

Also, a bill (H. R. 20490) for the relief of Edson Watson; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 20491) granting a pension to Rosa L. Huebner; to the Committee on Pensions.

Also, a bill (H. R. 20492) granting an increase of pension to James Sterns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20493) granting an increase of pension to Andrew R. Jones; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20494) granting a pension to Mary Gertrude Russell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20495) granting a pension to Arthur L. Perry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of J. L. Amstutz and 37 other citizens of Wayne County, Ohio, asking for the passage of House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

By Mr. BEAKES: Petitions of 100 citizens of Jackson, Mich., favoring House joint resolution 377, relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. GERRY: Petition of Mrs. R. I. Gammell, of Providence, R. I., protesting against equal suffrage; to the Committee on the Judiciary.

Also, petitions of C. A. Crombe, George W. Eddy, Walter Hazard, of Wickford; Mrs. Sarah M. R. Aldrich, Mrs. Alice B. Ham, Marion W. Jenks, Mrs. J. W. North, Ellen M. Anthony, Barton P. Jenks, Rhode Island State Grange, and Rhode Island Woman Suffrage Association, of Providence; Helena Sturtevant, of Middletown; and Pawtucket Woman Suffrage League, of Pawtucket, all in the State of Rhode Island, favoring equal suffrage; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of citizens of the second New York congressional district, favoring House joint resolution 377, relative to munitions of war; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petition of citizens of Los Angeles, Cal., favoring the passage of the Hamill bill, H. R. 5139; to the Committee on Reform in the Civil Service.

Also, petition of Branch No. 97, Catholic Knights of America, protesting against the publication of the Menace; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Locomotive Firemen and Enginemen, Orange Grove Lodge, No. 97, of Los Angeles, Cal., favoring the passage of the Cummins-Goeke bill (H. R. 17894); to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Central Labor Council, Los Angeles, Cal., relative to increase in the wages of the employees on the Canal Zone; to the Committee on Labor.

Also, memorial of employees in engine and train service, San Francisco, Cal., favoring the passage of the Cummins-Goeke bills (S. 6165 and H. R. 17894); to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Ernst, of Los Angeles, Cal., protesting against printing of return envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. SWITZER: Protests of 820 citizens of the tenth congressional district of Ohio, petitioning for legislation to forbid the use of the United States mails to The Menace and similar publications; to the Committee on the Post Office and Post Roads.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York district, favoring the passage of S. 3672, for the straightening of the Harlem River; to the Committee on Rivers and Harbors.

SENATE.

SATURDAY, January 2, 1915.

(Legislative day of Tuesday, December 29, 1914.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The PRESIDENT pro tempore. The regular order is the unfinished business, House bill 6060, the so-called immigration bill. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. MARTINE of New Jersey. Mr. President, I raise the point of the lack of a quorum.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Smith, Md.
Brandeggee	Gronna	Oliver	Smith, S. C.
Bryan	Hardwick	Overman	Smoot
Burton	James	Page	Sterling
Chamberlain	Johnson	Perkins	Swanson
Clapp	Kern	Reed	Thornton
Clarke, Ark.	Lodge	Robinson	Townsend
Culberson	McCumber	Sheppard	Vardaman
Dillingham	Martine, N. J.	Simmons	White
Fletcher	Nelson	Smith, Ariz.	Williams
Gallinger	Norris	Smith, Ga.	

Mr. REED. I desire to announce the necessary absence of my colleague [Mr. STONE]. I believe he will be able to return to the Senate some time later in the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. TOWNSEND. I wish to announce the absence of the senior Senator from Michigan [Mr. SMITH] and that he is paired on all votes with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. SWANSON. My colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of sickness in his family. He is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. LODGE. My colleague [Mr. WEEKS] is unavoidably absent. He has a general pair with the Senator from Kentucky [Mr. JAMES]. I make this announcement to stand for the day.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the list of the absentees.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH and Mr. THOMAS answered to their names when called.

Mr. HOLLIS entered the Chamber and answered to his name.

The PRESIDENT pro tempore. The second roll call still discloses the absence of a quorum. What is the pleasure of the Senators present?

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will take due notice and enforce the order accordingly.

Mr. PITTMAN, Mr. MYERS, and Mr. BORAH entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, in which it requested the concurrence of the Senate.

CREDENTIALS.

Mr. PITTMAN presented the credentials of FRANCIS G. NEWLANDS, chosen by the electors of the State of Nevada a Senator from that State for the term beginning March 4, 1915, which were read and ordered to be filed.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. SMITH of South Carolina. Mr. President, I offer the following amendment, which is merely to make the bill conform to the present law: On page 26, line 2, following the second semicolon, I move to insert "whether in possession of \$50, and, if less, how much." That has been suggested in order to keep the statistical tables correct.

The PRESIDENT pro tempore. The Secretary will note the amendment.

Mr. SMOOT. Mr. President, there is so much confusion in the Chamber that I could not hear the statement of the Senator from South Carolina, and I should like to have the Secretary report the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 26, following the word "paid" and the semicolon on line 2, it is proposed to insert "whether in possession of \$50, and, if less, how much."

Mr. SMITH of South Carolina. As I stated, the reason for that amendment is that statistics are being kept under the law, and the department is desirous of knowing how much immigrants bring in up to \$50; and then the amendment states, "if less, how much," so that no matter how small an amount an immigrant should bring in the department wants to keep the table so as to show the total so brought in.

Mr. SMOOT. Does that interfere in any way with the amount required at the present time?

Mr. SMITH of South Carolina. Not at all.

Mr. SMOOT. I think the amount required at present is \$30, is it not?

Mr. SMITH of South Carolina. Yes.

Mr. SMOOT. And this is not intended in any way to increase that requirement of \$30 to \$50?

Mr. SMITH of South Carolina. Oh, no.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from South Carolina. Unless there is objection, the amendment is agreed to. The Chair hears none, and it is agreed to.

Mr. SMITH of South Carolina. On page 42, line 5, after the word "entered," I move to insert "or who shall be found in." I desire that the amendment be read at the desk, and then I will make an explanation of it.

The PRESIDENT pro tempore. That is an amendment to an amendment which has already been adopted.

Mr. LODGE. Then the amendment will have to be offered in the Senate.

Mr. SMITH of South Carolina. I withdraw the amendment. I did not notice that.

The PRESIDENT pro tempore. The vote whereby the amendment was agreed to may be reconsidered now, and the amendment proposed by the Senator from South Carolina to the amendment may be offered.

Mr. LODGE. Yes; the vote whereby the amendment was adopted may be reconsidered, and the amendment proposed by the Senator from South Carolina may then be offered.

Mr. SMITH of South Carolina. In order to expedite business, I move that the vote whereby the amendment was agreed to may be reconsidered in order that the amendment may be amended.

The PRESIDENT pro tempore. Unless there be objection the motion is agreed to. The Chair hears none. The amendment to the amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 42, line 5, after the word "entered," in the committee amendment, it is proposed to insert the words "or who shall be found in."

The PRESIDENT pro tempore. Unless there is objection the amendment to the amendment will be agreed to.

Mr. GRONNA. Mr. President, may we have the whole amendment stated?

The PRESIDENT pro tempore. The whole amendment will be now read, and the question then will be on the adoption of the committee amendment in amended form. The Secretary will state the amendment as amended.

The SECRETARY. On page 42, beginning in line 4, it is proposed to strike out the words "who shall enter the United States in violation of law" and to insert "any alien who shall have entered or who shall be found in the United States in violation of this act or of any law of the United States, or who at the time of entry was a member of one or more of the classes excluded by law."

The PRESIDENT pro tempore. The question is on the adoption of the amendment as amended. Unless there is objection it is agreed to. The Chair hears none, and it is so ordered.

Mr. SMITH of South Carolina. On page 63, line 8—

Mr. REED. If the Senator will pardon me, I should like to make a motion to test the Senate's idea of taking a recess.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I ask the Senator from Missouri to withhold his request just for a moment.

The PRESIDENT pro tempore. The Senator from South Carolina declines to yield for the present.

Mr. SMITH of South Carolina. On page 63, line 8, after the word "descent," I propose to insert the words "except as provided in section 19 hereof." The reason for that amendment will be obvious to all who will read the language of the bill.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from South Carolina.

The SECRETARY. On page 63, line 8, after the word "descent," it is proposed to insert the words "except as provided in section 19 hereof," so that, if amended, the proviso will read as follows:

Provided, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent except as provided in section 19 hereof, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," and amendments thereto.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

Mr. SMITH of South Carolina. There is just one other verbal change which is necessary to clarify the law. On page 63, line 17, I propose to strike out the word "last" and to insert in lieu thereof the word "third," for the reason that certain amendments have been made to that section which require that change.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 63, line 17, before the word "proviso," it is proposed to strike out the word "last" and to insert the word "third," so that it will read "except as mentioned in the third proviso of section 19 hereof."

Mr. SMITH of South Carolina. There have been other provisos added, and this occurs in the third. Therefore the word "last" would be misleading.

The PRESIDENT pro tempore. Unless there is objection, the amendment is agreed to. The Chair hears none, and it is so ordered.

Mr. SMITH of South Carolina. On page 12, line 25, after the word "alien" and before the word "for," I propose to insert the word "female"; in the same line I move to strike out the word "for" at the end of the line; and on page 13, line 1, I move to strike out the words "any other immoral purpose" and to insert in lieu thereof the words "to import any alien male for immoral purposes."

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 12, line 25, after the word "alien," it is proposed to insert the word "female"; at the end of the same line to strike out the word "for"; on line 1, page 13, to strike out the words "any other immoral purposes," and to insert in lieu thereof the words "to import any alien male for immoral purposes," so that if amended it will read:

Sec. 4. That the importation into the United States of any alien for the purpose of prostitution or for any other immoral purpose is hereby forbidden, and whoever shall, directly or indirectly, import, or attempt to import, into the United States any alien female for the purpose of prostitution or to import any alien male for immoral purposes, or shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or shall keep, maintain, control, support, employ, or harbor in any house or other place for the purpose of prostitution or for any other immoral purpose any alien in pursuance of such illegal importation shall in every such case be deemed guilty of a felony.

The PRESIDENT pro tempore. The question is on the adoption of the amendment. Unless there is objection, it is agreed to. The Chair hears none.

Mr. REED obtained the floor.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. The Senator from Missouri has been recognized.

Mr. REED. I yield to the chairman of the committee, if he wants to perfect some language of the bill.

Mr. SMITH of South Carolina. On page 62, line 19, after the word "and," I move to strike out "fourteen" and to insert "fifteen," so as to make the act take effect July 1, 1915, instead of 1914.

The PRESIDENT pro tempore. Unless there is objection, the amendment is agreed to. The Chair hears none, and it is so ordered.

Mr. REED. Mr. President, former President Taft is before the Philippines Committee this morning by its invitation, and is delivering a very interesting dissertation upon the condition of the Philippine Islands and upon the various features of the bill now pending in regard to the Philippines. I think all the members of the committee, with the exception of myself, are present at the hearing, and quite a concourse of people have assembled. The members of the committee requested me to come to the Senate and ask it to take a recess until half past 12 o'clock. In view of the fact that Mr. Taft has been President of the United States, that he has come here for the purpose of giving his advice—and he is undoubtedly one of the best-informed men in the United States with reference to the Philippines—I move that the Senate take a recess until half past 12 o'clock.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. Certainly.

Mr. NELSON. Before the motion is put, I should be very glad if the Senator would allow me to offer a very brief amendment to the immigration bill, to which I think there will be no objection.

Mr. REED. Very well.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Minnesota offers an amendment, which the Secretary will state.

The SECRETARY. In section 3, page 7, line 11, after the word "parents," it is proposed to strike out "at the discretion of the Secretary of Labor or under such regulations as he may from time to time prescribe" and in lieu thereof to insert "except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible."

The PRESIDENT pro tempore. The question is on the adoption of the amendment. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

Mr. SMITH of Arizona. I ask unanimous consent to introduce a bill for proper reference and also to present an amendment intended to be proposed to the sundry civil appropriation bill.

The PRESIDENT pro tempore. It will require unanimous consent to do that.

Mr. SMITH of Arizona. I have asked unanimous consent.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent at this time to introduce a bill. Is there objection?

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. Objection is made. The question is on the motion of the Senator from Missouri that the Senate take a recess until 12.30 o'clock.

The motion was rejected.

Mr. REED. Mr. President, I desire to offer an amendment. I move to strike out, on page 14, lines 14 to 16, the words "or by any person who shall first bring his action therefor in his own name and for his own benefit."

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Missouri.

The SECRETARY. In section 5, page 14, line 14, after the name "United States," it is proposed to strike out "or by any person who shall first bring his action therefor in his own name and for his own benefit."

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. REED. I merely want to say a word about it. The section in which this language appears, being section 5, provides that it shall be unlawful to prepay the transportation of people coming to this country, and it provides further:

For every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for each offense the sum of \$1,000, which may be sued for and recovered by the United States—

That far I think the section absolutely unobjectionable. The language I am calling attention to and which I am asking to have stricken out is this:

or by any person who shall first bring his action therefor in his own name and for his own benefit.

Under that language, as it stands, any individual, even though he knew that the Government was prosecuting an inquiry and was about to bring action, or a series of actions, could rush into court and file suit first and recover the penalties for himself. I hardly think that is wise. I think it is very rare that a person bringing a suit for a violation of a criminal statute is permitted to retain the entire proceeds of the fine or penalty. Sometimes a person is permitted to retain a percentage of the fine or penalty, but as this clause is now drawn, if the United States authorities were investigating and were about to proceed with suits to recover penalties, an individual could rush into court and file his complaint a day or an hour before the Government authorities had filed their papers, and he could recover the fines entirely for himself. It seems to me that is extreme; it seems to me it is bad, and that the words ought to go out of the bill.

If it were desired to secure information in the prosecution of suits, I should not object if they allowed the person bringing the suit to recover a portion of the penalty, but to give him the right to recover all of the penalty seems to me to be unprecedented. Generally speaking, the promotion of litigation by of-

fering the penalties, which ought to go to the public, to the informer or to the person bringing the suit is bad policy. In most States that kind of legislation is discountenanced. I have no desire to take the time of the Senate further. I have stated the matter.

Mr. SMITH of South Carolina. Mr. President, I will state to the Senator from Missouri that that is now the existing law. It has been in operation since 1907, and no complaint has come to the committee from anyone as to the abuse which the Senator suspects may arise under it. This is the first time my attention has been called to it, and I do not know how it has operated; but the committee has no information that it has been abused nor have any cases of such abuse been cited.

Mr. GRONNA. Mr. President, I am informed that this provision is existing law, but I believe there is a great deal of merit in the suggestion of the Senator from Missouri. I believe the provision should be stricken out. If I may again refer to the case arising in North Dakota to which I called attention a few days ago, I believe that if this language had not been in the law the farmer to whom I referred would not have had suit entered against him for a thousand dollars in the case of each of the individuals from Canada whom he had employed to work for him. I know of at least one instance where advantage was taken of this particular provision of the law, and I can see no good reason why an individual should be allowed to cause another individual any expense or any trouble. I can see no good in the provision, and it ought to be stricken out.

Mr. O'GORMAN. Mr. President, I think this is a very vicious provision to be included in this or in any similar law. The mere fact that it is taken from the existing statute should not in itself restrain the Senate from striking it out at this time.

Section 5 of the bill prohibits what is called the importation of contract labor. It then imposes a fine or a forfeit of \$1,000 for every offense, and the offense may consist either of a specific agreement to give employment to an alien when he comes here, or it may consist in an attempt to induce or assist aliens to come here. The statute further provides that the United States Government may institute an action to recover the forfeit. Up to that point, perhaps, there is no objection to this measure; but now comes this additional provision, which states that such an action may be brought by any person, notwithstanding what the Government may do or may not do. The language is that this sum may be recovered—

by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid.

That opens the door, Mr. President, to the grossest kind of blackmail. An alien can come into this country, and under this statute he can claim—though his claim may have no foundation other than his own assertion—that he was induced to come into this country by some individual or corporation; and if the court believes his statement the one who was induced to come here may recover a thousand dollars and retain it.

I hope this provision will be stricken out.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. O'GORMAN. I do.

Mr. BORAH. I wish to ask the Senator from New York in what condition, if this amendment is adopted, the law will be as to being made effective, as to the punishment of those who do violate the law?

Mr. O'GORMAN. Why, take, for illustration, the case of an alien who has been induced, in violation of the statute, to come into this country. He may give his information to the United States authorities, or they will acquire it in ordinary course, at our various ports. They will communicate their information to the Department of Justice. The Department of Justice, if the case is sufficiently clear, will commence its suit against the offending person and recover the forfeit.

Mr. BORAH. The amendment has the effect of taking out of the bill the inducement to activity upon the part of individuals.

Mr. O'GORMAN. No; there may be other inducements short of the one provided for in the bill. The bill gives to an alien who comes here in violation of the law the extraordinary remedy of commencing an action and recovering the entire penalty and retaining it for himself.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. O'GORMAN. Surely.

Mr. CLAPP. It seems to me this is the most vicious form of informer provision along this line that we have ever had. I think we rejected the whole principle of the informer in our antitrust legislation after debating the proposition. Now, this

law—and the fact that this provision has been in the law is no reason simply of itself why it should remain there—goes further than that, and holds out to the man who has violated the law, or who will claim a violation of the law, an inducement backed by the prospect of recovery by himself of the fine.

Mr. SMITH of Arizona. He can violate the law and then make money out of it.

Mr. CLAPP. Yes. It encourages blackmailing a man, because back of the effort to blackmail is the blackmailer's own benefit in the way of the thousand-dollar fine which he recovers. It seems to me that it is intolerable in connection with our American principles.

Mr. O'GORMAN. In this connection I should like to call attention to an instance that came under my observation recently, showing how drastic this law is, without giving the alien the right to invoke its benefits by an individual suit.

A lawyer in the city of Buffalo not many months since received a letter from a lawyer's clerk in Toronto, Canada, in which the writer said he had been employed in a law office for nearly 30 years; that his work was largely that of a scrivener. Indeed, he did the class of work in a law office that in most offices in this country is now done by the typewriter. He asked if he could get employment if he came over to Buffalo. If you remember, it is probably only an hour's distance. The Buffalo lawyer acknowledged the letter and said: "I shall be glad to see you when you come over here." The clerk came over and was employed, I think, at \$12 a week, or some such salary. There probably was no other man in the law office in Buffalo who could do the particular work that this individual was able to do. The attention of the Federal authorities was called to this alleged violation of the law, and the Department of Justice communicated with the district attorney at Buffalo. There seemed to be such a complete absence of any design or purpose to evade or violate the law that no proceeding was taken to prosecute the lawyer in Buffalo, but if the clerk who sought the position and who received the encouragement to come over to Buffalo and make a personal application for the place was so inclined he could avail himself of this particular paragraph of the law and demand a thousand dollars' forfeit, just as was done in the case the Senator from North Dakota [Mr. GRONNA] spoke about some days ago.

I hope this provision will be stricken out.

Mr. LODGE. Mr. President, this provision, which is in the existing law, if my memory serves me right, goes back some distance in our legislation. It was put in owing to the extreme difficulty in getting evidence of violations of the contract-labor law.

I was on a committee appointed by the Senate to investigate the subject of contract labor in 1893, I think. Senator David B. Hill, of New York, was chairman of the committee. We held an investigation in the city of New York. The committee obtained an entire conviction in their own minds that the contract-labor law was being violated in many ways; but they were met at every step, when they made inquiries of the law officers of the Government, with the statement that it was extremely difficult to get the necessary evidence, or to get information which would enable them to enforce the law. It was for that purpose that this provision was put in—to get the evidence and to get the information necessary for enforcing the contract-labor law.

I see very plainly the objection to giving to the informer the right to sue and recover; but the contract-labor law is an extremely difficult one to enforce. It is extremely difficult to get the evidence necessary, and that is the reason for this clause. I know it is exceptional, but I think it was felt at the time by the committees of both Houses that it was necessary to have some exceptional provision in order to enforce the contract-labor law as it should be enforced.

Mr. O'GORMAN. Mr. President, I desire to put an inquiry to the Senator from Massachusetts. Does not the Senator from Massachusetts believe that an opportunity to reward the informer under the terms of this language is likely to be a prolific source of blackmail and oppression?

Mr. LODGE. It has not been, as a matter of fact.

Mr. O'GORMAN. In the instance cited a few days ago by the Senator from North Dakota [Mr. GRONNA] it was.

Mr. LODGE. I do not know about that particular instance, except that I believe I am right in saying that the farmer was trying to bring in some Hindus from Canada—nine, I think—and it was a clear violation of the law. I do not know how the information was given, but there was no doubt that it was a violation of the contract-labor law.

As the senior Senator from New York has suggested, and as the junior Senator from New York well knows, this is not a new plan. It has been adopted in many criminal statutes

where it has been found necessary in order to get information for the enforcement of the law.

Mr. CLAPP. Mr. President, does the Senator recall any criminal statute where the party himself, who assumes the rôle of informer, is rewarded? I do not think we have ever carried legislation to that extent. We have carried it to the extent of rewarding the informer; but this, it seems to me, goes farther than any legislation we have ever had and rewards the individual who is a party to the offense, or alleges himself to be.

Mr. LODGE. I do not think that has been uncommon in criminal legislation.

Mr. CLAPP. I certainly think it has.

Mr. LODGE. But it is a question of the enforcement of this law; and, as I have said, it is extremely difficult to get the evidence. I do not like the business of rewarding informers in any law, but sometimes it becomes absolutely necessary, just as it becomes absolutely necessary for the law officers of the Government to grant immunity, we may say, to a criminal who turns State's evidence. It is undesirable, perhaps, theoretically, but it becomes necessary for the punishment of crime; and from my experience on that committee I know the extreme difficulty there is in getting the evidence.

We found in New York many cases of Italian padrones who brought young boys to this country and held them under an agreement and took all their wages. The cases were clear enough, but it was almost impossible for our law officers to get the necessary information to prove a case in court.

Mr. O'GORMAN. The Senator does not suggest that the condition to which he refers obtains at this time in New York among the Italians?

Mr. LODGE. Oh, I mentioned New York only because it was there that we happened to hold the inquiry. I have no doubt it obtained in Boston and elsewhere. No; I do not think it does.

Mr. O'GORMAN. That was a very objectionable practice, which was corrected many years ago in various cities of the United States.

Mr. LODGE. I think it was corrected very largely as a result of that investigation; but it existed. I used it only as an illustration. It was to reach similar cases that this provision was put in the law.

Mr. REED. Mr. President, I find that the amendment that I offered, somewhat hastily, is not complete. I desire, therefore, to offer the following as my amendment:

On page 14, lines 14 to 17, strike out the following language:

Or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid.

Mr. President, the fact that this clause has been in the law for some little time, and that no great wrong has yet developed, does not warrant us in allowing it to remain in the law. It is absolutely certain to my mind that some enterprising shyster lawyer will some day enter upon the exploitation of this clause of the law. It is also entirely plain to me that it will become a ready weapon in the hands of the blackmailer. It ought not to be left in. It is a sort of legal deadfall, which should not exist.

As I said a moment ago, I have known of many statutes which provided that an informer might receive a part of the penalty, but I have no recollection of any statute which provides that an informer shall receive the entire penalty; that he can even cut the Government out of the penalty by filing his suit five minutes before the Government brings its suit. Neither do I know of any law which rewards a party to a crime, which actually pays him a premium. I do know of many instances, as we all do, of men who have given information to the Government who have thereby escaped punishment themselves. This, however, is a question of rewarding the individual, of giving him the penalty, and it certainly is a very extreme measure.

Mr. JAMES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Kentucky?

Mr. REED. I do.

Mr. JAMES. Is it not true that the only way you can get evidence of the importation of these laborers is by going abroad for the evidence, to some one there who knows of the facts or to the man himself who is brought here? And is not the Government greatly handicapped unless you do put some provision like that in here? Because you have to get the evidence from the man himself, or from some other person in the foreign country who heard of the inducement that was offered to bring the man here. I feel sure this provision should be kept in this bill, because it is the most effective possible way to prevent the importation by corporations of contract labor.

Mr. REED. No, Mr. President; I can not agree with the Senator from Kentucky that those are the only means. Let me illustrate. A steamship company might be engaged in this business. Some employee of that steamship company might disclose the practice of inducing people to come here in violation of this statute. An employee, we will say, of a steel mill might know of these practices. The ordinary laborer in the steel mill might learn, from talking with men who came over and who took employment, that they had been brought over under inducements of some kind. The secret service of the whole Government is at the command of the Government.

Mr. JAMES. Of course that would be hearsay testimony only. You would have to go to the man himself in order to prove it.

Mr. REED. Why, of course, I understand that the mere fact that somebody told the man could not be produced in evidence; but if these men had told others, and the facts became known, and there were great crowds being brought in, it is almost certain that the Government, being put upon the trail of the evidence, could easily find somebody who would tell the facts; and they could follow it to the corporations themselves, put the agents of the corporations upon the stand, and disclose the truth of the matter in that way, just as we get at the fact that a trust has been formed. All of these questions, as the Senator knows—for he is a lawyer of eminence—have their difficulties, but they are not insurmountable ones.

Mr. JAMES. The Senator himself, though, as I recall, advocated such a provision in the antitrust bill. I know I myself advocated a provision of that character, because it is extremely hard to get these facts from any other person than those who are directly connected with them, generally, in the violation of the law. If it was a good thing in the case of the antitrust law, where all the people are here in this country, I can not see why it is not a very good thing where your testimony, if you do not rely upon something like this, has to be obtained from a country where we have no jurisdiction.

Mr. REED. I think the Senator is in error about my having advocated a proposition like this in any law.

Mr. JAMES. I did not say exactly like this, but I said that the Senator advocated a provision, if I am not mistaken, in the antitrust law which gave to any clerk or any person working for a corporation a reward in case of conviction.

Mr. REED. Exactly; that the Attorney General was authorized to make an agreement to pay a reward not exceeding 10 per cent of the penalties which might be recovered. I think it was 10 per cent. Now, that is very different from this.

I stated in the beginning of my remarks, when, I think, the Senator was absent, that if this bill provided that some portion of the penalty might be paid to an informer it would put it in a different class. This does not even go to the informer, to the man who furnishes the evidence. It goes to the man who first files a suit, and that man may be the individual who was imported himself. That is a startling proposition to me.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. If the Senator will permit me, it seems to me that it would be a very difficult thing under this section to blackmail after all, for the reason that the basis of the right to recover is the finding that the law has been violated. There shall have first been a violation of the law and a finding to that effect, and upon that finding, as I understand the section, and by reason of it, this forfeiture is made. Anyone in the United States may sue for the forfeiture, or one of the aliens who has been brought over here may sue for the forfeiture. If the contract-labor law has been violated, is it unjust or at all unwise to permit the man who has been induced to come here to recover this forfeiture?

Mr. REED. I think it is highly unwise.

Mr. BORAH. He does not get his forfeiture by reason simply of giving information. He is not given this amount of money by reason of disclosing the fact; but if a judgment shall have been rendered to the effect that the law has been violated, he may then sue for the recovery.

Mr. REED. Answering the Senator from Idaho, of course it can be made the means of blackmail. Suppose a man is brought to this country under contract, and this law stands as it is now written. That individual can go to the man who brought him here and say, "If you do not give me \$500, I shall file a suit, take the stand and testify, and you will have to pay \$1,000; and, more than that, you will be liable to criminal penalties." So it could be used as a means of blackmail.

But notice now, this does not provide that whoever shall bring information to the Federal authorities leading to the arrest and conviction of a violator of this law shall be paid a

portion of the penalty, but the proposed law, as it now stands, provides that any person may file a suit; and if he has filed it one minute before the Government has filed its petition his suit takes precedence and he recovers the penalty, and the Government gets nothing. I think that is extreme. But I do not desire to detain the Senate further.

Mr. O'GORMAN. Mr. President, I desire to make only one observation in connection with the remarks made by the Senator from Idaho [Mr. BORAH]. The very language of section 5 does not contemplate that before the alien begins his suit to recover the penalty it must previously have been adjudged that it was a violation. I think if the Senator will look at the section, he will find that all that need be done, if this law is to remain as it is, is that any alien can initiate a suit in his own name, whether it be well founded or not, and claim that he was induced to come into the country because of some promise or encouragement given to him by an American; and if he succeeds in making out his case, he will recover. But regarding the suggestion that this can be used as a means of blackmail, let us suppose a case where an alien, perhaps under the evil influence of some attorney, should say, "You promised to give me employment if I came to this country; you violated the law." The citizen might deny it, and yet under a threat that such a charge would be made against him he might, like in many other cases of blackmail, yield to the extortion.

Mr. BORAH. Mr. President, I do not believe I am in error as to the interpretation I place upon section 5. Perhaps I might have been misunderstood to mean that there should precede a judgment of violation before the party could recover. If so, in that respect I would be in error. But there must be at some time a determination or a judgment to the effect that the law has been violated. That is the basis of the right to recover. It may be in the same action which is brought for the purpose of recovery, but there must be a violation of the law and some tribunal or court must determine that there has been a violation of the law, and if there has been a violation of the law then the party may recover \$1,000 or any part of it. I do not believe that would be an unwise provision to put in any bill. But we know—we have been informed by the Senator from Massachusetts [Mr. LODGE]—that it has been almost impossible to enforce the law in regard to the importation of immigrants under contract, and it is being constantly, I am informed, violated. In these days it needs something in a drastic form in order to remedy the evil.

Mr. THOMAS. I should like to ask the Senator from Idaho before he takes his seat whether the importation of, say, 1,000 immigrants or contract laborers in a body would, under the phraseology of this section, constitute more than one offense, or whether the offense would be multiplied by as many times as there are contract laborers in the importation.

Mr. BORAH. The Senator is a very great lawyer. What does the Senator think about it?

Mr. THOMAS. I am informed by the Senator from Maine [Mr. JOHNSON] that that is covered by a clause in the same section. The clause to which my attention is called reads:

And under either the civil or the criminal procedure mentioned separate suits or prosecutions may be brought for each alien thus offered or promised employment as aforesaid.

I think that would cover it.

Mr. ROOT. Mr. President, I want merely to make a suggestion about this provision. There is nothing new about it, nothing peculiar. It is the old *qui tam* action which has existed in our law time out of mind. The judiciary act—the act of February, 1799—provides:

That if any informer on a penal statute, and to whom the penalty or any part thereof, if recovered, is directed to accrue, shall discontinue his suit or prosecution or shall be nonsuited in the same, or if upon trial judgment shall be rendered in favor of the defendant, unless such informer be an officer of the United States he shall be alone liable to the clerks, marshals, and attorneys for the fees of such prosecution.

Under that form of action, known to the common law, familiar both in England and America, and from the earliest times, it seems the person stigmatized as the informer in this character of litigation brings his suit. It is of no particular consequence whether the statute which allows him to bring it gives him all or half or any part of the proceeds of the penalty for which he sues. The statute which I have just read, which is indexed under the head of *qui tam* actions in the Revised Statutes of the United States, refers as an existing kind of action to the old *qui tam* action. I have not thought very much about whether this provision is necessary or desirable in these cases or not, but it is not anything new. It is merely applying to this particular statute the expedient which we have always from our early history availed of in a particular class of cases and a particular class of statutes, statutes where the information necessary to maintain suits to remedy an evil, to prevent

an evil practice, is lodged in the bosom of persons who are concerned in the transaction, and where you can not get it out except by appealing to self-interest and getting somebody to turn informer. It is a disagreeable field upon which to enter. Anyone who has been charged with the conduct of Government prosecutions must have felt great repugnance in entering upon it, but it has been the experience and common judgment of all Governments that it is sometimes necessary. This seems to be a kind of an evil which can be reached only by this very disagreeable method.

In every case where you have recourse to informers you must recognize the fact that the appeal is not to the nobler impulses, and there is always opportunity for blackmail, but it is the choice between leaving the law unenforced and the evil to which the law is aimed at unredressed, on the one hand, or creating a situation in which the appeal to self-interest or of emolument to an informer will leave an opportunity to blackmail. There is a choice in it, but if you want the law enforced it is necessary that you shall have recourse to this old expedient, a *qui tam* action.

Mr. O'GORMAN. Mr. President, I do not agree with my distinguished colleague [Mr. Root] that this is the only alternative, that you must either encourage suits by informers or suffer the nonenforcement of the law. The Labor Department, with its tremendous power and instrumentalities, will never have any difficulty in ascertaining through its agents and its secret service whether the law is being enforced or violated. There are perhaps always ways of giving some reward to those who may be able to furnish information. I think that answers the main contention made by my colleague.

It is not necessary to conclude that this law can not be enforced. I believe it can be enforced and enforced by the department in charge of the responsibility of enforcing it, and where violations occur they will be punished in due course, first, by being exposed to a fine of a thousand dollars in each case in a suit brought by the Government, and in addition to that being subject to criminal prosecution. The language up to that point is sufficiently drastic, in my judgment, without going to a most extreme extent without a precedent in the history of this Government.

My colleague cites authorities which really do not apply here, where you might under certain circumstances feel it necessary to give to a citizen of the country the right to institute an informer's action. When before did we ever attempt to confer this right upon aliens coming here in violation of the law, aliens perhaps who might not be permitted to go beyond Castle Garden or the port at which they land, which is the cause of the violation; yet while at Castle Garden, acting under the influences of a designing attorney, they can under this language, if it be retained, commence individual civil actions seeking to recover a thousand dollars for every violation.

Mr. REED. The Senator has been a judge of distinction. Let me ask him if he does not believe it would be dangerous to justice itself to put witnesses upon the stand everyone of whom might have been made parties plaintiff in a suit and everyone of whom would receive a thousand dollars in the event of a judgment?

Mr. O'GORMAN. By cooperating with one another?

Mr. REED. By cooperating with one another.

Mr. O'GORMAN. I think the main objection to this measure is the extent to which it may be used for purely blackmail purposes. Where there has been a real violation of the law there should not be much difficulty in the Labor Department through its agents ascertaining the violation and then having the Government begin its suit.

Mr. TOWNSEND. Mr. President—

Mr. O'GORMAN. I yield to the Senator from Michigan.

Mr. TOWNSEND. As I understand it, this language is already in the law.

Mr. O'GORMAN. Yes.

Mr. TOWNSEND. May I ask the Senator if he knows whether under its operation and enforcement the things to which the Senator refers have actually occurred?

Mr. O'GORMAN. No; I do not. The chairman of the committee states this provision has not been the subject of any consideration whatever by the Immigration Committee. It went through as a matter of course. The first time that this objectionable paragraph has received the attention of the Senate is this morning, when called to our attention by the Senator from Missouri [Mr. REED].

I have but one further word to say. Opinions may differ as to the advisability of permitting informers to be benefited financially as the result of information which they give to the authorities. There are those who think it is a very wise policy. There are those who condemn it. I think it is the judgment of

most persons who have considered the subject that the evil associated with such laws far exceeds any possible benefit that may come from it.

The latest expression of this body on this identical subject was made some few months ago when we were discussing the antitrust legislation. The Senate, by its action with regard to that legislation, declared that it would not favor laws which could be made the instruments of blackmail, extortion, and oppression, because they minimized if they did not entirely exclude in the antitrust laws all possibility of informers profiting financially by information, true or false, that they might offer.

I have no hesitation in affirming that the average informer is so lost to moral responsibility, as a rule—there are exceptions, but as a rule—that he will not hesitate to perjure himself if by so doing he can bring money to his pocket.

Mr. ROOT. Mr. President, the effect of permitting informers to assume this attitude has had consideration and has been the subject of legislation. Section 5295 of the Revised Statutes, passed shortly before there was general liberty granted to persons interested in litigation to testify, provides that—

Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

That registers, together with other sections, including the one referred to, the deliberate judgment of the Congress of the United States regarding cases of this kind.

My colleague was mistaken if he thought that I said this was the only way to enforce this statute. I have not said that, because I have not considered this statute; I have not thought about it; I have not considered whether or not there may be some other way. As my colleague says, that is quite natural, because this particular subject has not been considered at all with regard to the particular bill which is pending. I have merely interposed in this discussion for the purpose of putting the discussion on what I conceived to be the right basis; that is, not as a discussion of some new proposal but as the discussion of a desire to reverse a long-settled practice and policy of our Government in similar cases. It seemed to me that we were discussing this as if it were something new, when it is really but one form of putting into this proposed statute the old, old expedient of allowing a *qui tam* action, in which the informer can be induced to bring up his testimony by receiving all or a part of the penalty. I have merely read section 5295 of the Revised Statutes to show that the question of the effect of the interest upon the testimony of the informer has been considered and passed upon by the Congress and that their judgment has been embedded in the Revised Statutes of the United States.

Mr. CUMMINS. Mr. President, I am not very favorably disposed toward the informer, but undoubtedly there are subjects which must be dealt with in that way. I do not think that this provides for the old *qui tam* action altogether, but there are two things here which, it seems to me, we ought to consider. Even if it is wise to stimulate prosecutions by giving to an informer some part of the recovery, it can not be wise to allow the informer to bring an independent suit, to be prosecuted by him according to his own pleasure. I have had some experience in my State with prosecutions of that character, and they do not tend to an enforcement of the law. On the contrary, they tend simply to the private profit of the informer.

If there should be any partition of the recovery, it should be a partition made by the Government of the recovery in a suit brought in its name, giving to the informer such part of the judgment as we might think it wise to give him.

But, as I look at this clause, it has another defect which is very much more serious. It will be observed that the action brought by the informer and the criminal action that might be instituted by the Government are in the alternative. A suit brought by the informer and a recovery by him would be a bar to any criminal prosecution under the law. That being true, the privilege given to the informer to bring the suit might be used to give criminal immunity to one who had violated the law under such circumstances as to make criminal punishment the only penalty that ought to be imposed.

Mark you how the clause reads:

And for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor, and on conviction thereof shall be punished by a fine of \$1,000, or by imprisonment for a term of not less than six months nor more than two years.

It can not be that we desire to turn over to an informer, no matter whether he be a citizen or an alien, the privilege of determining whether the United States shall punish one who violates this section under the criminal part of the section. I therefore suggest to the chairman of the committee, who has this matter in charge, that either I have misconstrued it or that he must have overlooked it, for it is inconceivable to me that any such object is intended to be accomplished.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator.

Mr. BORAH. Do I understand that the Senator's view is that if the action were brought by an informer for the forfeiture of a thousand dollars, that would preclude any criminal action for the enforcement of the provision?

Mr. CUMMINS. I so understand.

Mr. BORAH. I do not see it in that light. The provision reads:

And for every violation of any of the provisions of this section the person, partnership, company, or corporation violating the same shall forfeit and pay for every such offense the sum of \$1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid, as debts of like amount are now recovered in the courts of the United States; or for every violation of the provisions hereof the person violating the same may be prosecuted in a criminal action for a misdemeanor.

You may bring a civil suit or there may be a criminal action at the same time.

Mr. CUMMINS. But there can not be both.

Mr. BORAH. Why not?

Mr. CUMMINS. Because the word "or" precludes it, unless that word is construed, as it sometimes is, I grant, as the equivalent of the word "and."

Mr. BORAH. I do not think so. You could not introduce a civil judgment as a bar in a criminal suit. The use of the word "or" does not have the effect, in my judgment, of limiting to one cause of action.

Mr. REED. Mr. President, may I suggest, if the Senator will permit me, that this being a highly penal statute, it would be strictly construed and not extended. It is perfectly plain to me as it now reads that the Senator from Iowa is right.

Mr. CUMMINS. From my standpoint the interpretation seems to be clear; but, even if it is not clear, the matter is of such moment that I am sure those who favor the informer system would not be willing to substitute that method for the enforcement of the criminal law of the country.

Mr. SMITH of South Carolina. Mr. President, before the Senator takes his seat I will ask him if it would meet his suggestion if, beginning with line 19, after the words "United States," the word "or" should be changed to "and," so as to coordinate the two and make both criminal and civil procedure possible?

Mr. CUMMINS. I mean to say that the language should make it entirely certain that the informer, if that feature of the bill is to be preserved, might bring his suit, and at the same time the Government of the United States might indict and punish by imprisonment or fine if it so desired.

Mr. ROOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. ROOT. I rose to suggest to the Senator from Iowa that there have been for a great many years double proceedings continually going on under the laws of the United States. One marked example is the case of the United States against Boyd, which is a rather well-known leading case, although I do not remember the volume in which that case is found.

Mr. REED. Mr. President, we are unable to hear the Senator on this side of the Chamber.

The PRESIDENT pro tempore. Senators to the right of the Chair are unable to hear the colloquy taking place between the two Senators on the other side.

Mr. ROOT. I was calling the attention of the Senator from Iowa to the fact that there have always been going on double sets of proceedings under the penal statutes of the United States—proceedings for forfeiture, proceedings civil in form, and proceedings for punishment criminal in form, and I was just referring him to the well-known case of United States against Boyd. In that case, which was decided by the Supreme Court about 30 years ago, a firm of glass importers in New York had imported glass on which they fraudulently made an exemption under Government contract of a much larger amount than they were entitled to. The glass was seized, forfeiture proceedings were brought, and the glass was forfeited. At the same time

they were indicted, tried, and convicted. The Supreme Court held that the forfeiture proceeding was a penal proceeding, and reversed the judgment on account of the improper admission of evidence, because they had been compelled to testify against themselves, but the conviction stood, a conviction which came after the judgment in the forfeiture proceedings, and the defendants served out their term in the penitentiary. Now, that is practically the situation which we have here.

Mr. CUMMINS. The Senator from New York does not, I think, quite understand the point of my suggestion. I do not think there is any constitutional repugnance between a suit for such a forfeiture as is here provided on the part of an informer and a contemporaneous criminal prosecution by the Government. I think both may constitutionally proceed at the same time and both go to their end. My suggestion was that this proposed statute, however, precludes it. This bill seems to me to mean that if one proceeding is instituted the other can not be. That part of my objection would be entirely removed if the proposed statute were to provide that the two proceedings could go on at the same time, but unfortunately the two clauses are coupled together with the disjunctive "or," and, as I construe this language, the pendency of one, or certainly a judgment in one, would wholly bar the prosecution of the other.

The PRESIDENT pro tempore. The Senator from South Carolina has indicated that he intends to remove all doubt on that subject by offering an amendment to strike out "or" and insert "and."

Mr. BORAH obtained the floor.

Mr. WHITE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. WHITE. I beg the Senator's pardon. I did not know he had the floor.

Mr. BORAH. Of course the objection which the Senator from Iowa makes could be remedied, as suggested, by striking out "or" and inserting "and"; but I still think that is wholly unnecessary, because a civil action to recover a forfeiture is never a bar to a criminal action unless it is specifically made so by the provisions of the statute. The rule of evidence is different in each case.

Mr. CUMMINS. Mr. President, I agree to that, but my very point is that this statute does make one—

The PRESIDENT pro tempore. Is there not much force in the suggestion of the Senator from Missouri that a statute of this kind is to be construed strictly, and no inference as to extending it can be indulged?

Mr. CUMMINS. The reason I did not offer the amendment suggested by the Senator is that I understand there is an amendment pending offered by the Senator from Missouri.

The PRESIDENT pro tempore. The friends of the provision are entitled to perfect it before any motion to strike out any part of it is submitted to the Senate.

Mr. CUMMINS. Then, Mr. President, I offer that amendment.

The PRESIDENT pro tempore. The Chair understood it was the purpose of the Senator from South Carolina to do so.

Mr. WHITE. Mr. President, I am not ordinarily in favor of statutes giving penalties to informers. I am rather opposed to it. I think such statutes should be enacted only when there is a real necessity for them. I think, however, that the provision that is sought to be stricken from the bill by the amendment under consideration is a proper one in this legislation.

The matter has been discussed from the standpoint of the undesirability of having prosecutions carried on by informers. That really is not the main purpose of the provision; neither is that the main effect to be accomplished by it. The statute will be more useful in deterring persons from violating it, and will accomplish more good in that way than in any other. Persons who contemplate violating this statute by importing contract labor will understand from the beginning that it is in the power of the party with whom they contract to punish them for it; whereas, if there is no such provision in the bill, then they will readily understand that it is next to impossible to convict them or punish them under the statute.

As has been suggested by the Senator from New York [Mr. Root], this is no innovation. Such provisions are contained in the statutes of nearly every State of the Union. Certainly they are found in the Federal Statutes. It is no innovation. Neither is it any change in principle, Mr. President.

Mr. HARDWICK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. WHITE. I do.

Mr. HARDWICK. I will suggest to the Senator that this precise provision has been in operation since the passage of the law of 1897, and has not given rise to any trouble.

Mr. WHITE. Nor is it likely to give any trouble. As the Senator from Georgia has just stated, it has been in our immigration statutes, and the effect of this amendment will be to remove it from the statute. As I have already stated, the main purpose of this provision is to prevent violations of the law, and that is what is sought to accomplish. It is never the desire of government to punish. The primary object is to prevent law violations. The adoption of the provision of the bill sought to be stricken by the amendment will have that effect—to prevent violations of the law.

As I was about to say, this is not new in principle. Since the common law of nearly every State in the Union has been changed so as to allow parties interested in the result of suits to testify, the same principle is involved—that they can make money, that they can enrich themselves, by swearing falsely. Any plaintiff, or any defendant for that matter, in any suit in almost any State in the Union and the Federal courts of the country, has the same temptation held out to him that it is charged will be held out under the provision in question. Not only that, but under the general practice of the common law in the State and in the Federal courts immunities are offered daily to persons who are guilty of crime with a view of obtaining evidence to convict others who are no more guilty than they are. I should like to know how the gunmen in New York would have been convicted if it had not been for the immunity given the witnesses by the district attorney, Mr. Whitman.

Mr. President, I have had some experience with situations of this kind. I have seen immigrants who were induced to come to this country under misrepresentations as to conditions here, the conditions being exactly the reverse of what they were told the conditions were when they were induced to come—conditions that they were not willing to encounter or combat. But what were they to do? They were in a strange country, destitute of means, absolutely within the power of the party who imported them, and therefore they had to submit to and accept the situation as they found it, not as it had been represented to them. Unless immigrants are interested in some way in bringing the guilty parties to justice, as the Senator from Kentucky [Mr. JAMES] has already stated, it is next to impossible to sustain an action against the guilty parties. If these foreigners themselves are to be denied the right to participate in the recovery, then there will be no means of obtaining the evidence except to go to the country from which they emigrated, and then you encounter the difficulty of finding a witness who is familiar with the contract.

So I say, Mr. President, that the provision sought to be stricken from the bill ought to be allowed to remain, and that the amendment itself should not be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa, to strike out the word "or," beginning in line 19, and to insert in lieu thereof the word "and."

Mr. REED. Mr. President, that is not the amendment now before the Senate, is it?

The PRESIDENT pro tempore. Yes; that perfects the text. The amendment offered by the Senator from Missouri is to strike out a certain proposition that in a way is dependent upon that amendment. If the Senator will read Rule XVIII, he will see that it sustains the Chair's view about the matter.

Mr. REED. Mr. President, of course I shall not stop to discuss the matter, because it is not very important; but I desire to suggest to the Senator from Iowa and to the Senate and to the chairman of the committee that if the amendment I have offered is adopted I shall offer another amendment, which I think will meet the views of all and cover the case and yet leave the control of the matter in the Department of Justice.

The PRESIDENT pro tempore. The Chair can only deal with such amendments as have been brought to the attention of the Chair.

Mr. REED. To be sure. I only wanted to suggest it before we vote on this amendment.

The further amendment to which I refer is to add at the end of line 18 the following:

The Department of Justice may, from any penalties recovered, pay rewards to persons, other than Government employees, who may furnish information leading to the recovery of any such penalties, or to the arrest and punishment of any person as hereinafter in this section provided.

Then, on line 19, page 14, strike out the word "or" and insert, "Provided, That," so that the section would read:

Provided, That for every violation of the provisions hereof the person violating the same may be prosecuted—

And so forth.

The PRESIDENT pro tempore. The Chair will say to the Senator from Missouri that it is customary to give the Senate

the benefit of the text as it will stand after the motion to strike out and insert has been presented to the Senate. The Chair was only dealing with such things as were brought to his attention.

Mr. REED. Yes. I desire to suggest to the Senator from Iowa that it would be better, instead of striking out the word "or" and inserting the word "and," to employ the language "Provided, That."

Mr. CUMMINS. Mr. President, I desire to be clearly understood. I am against the provision even if it is amended by the insertion of the word "and." I intend to vote for the amendment offered by the Senator from Missouri. I think it would be very unwise to allow any informer to bring a suit in his own name, control the suit, and enjoy the proceeds of it; but if the amendment offered by the Senator from Missouri fails, then I am very anxious that the law shall not have the effect that I fear it will have if the word "or" is retained.

Mr. REED. Do I understand, then, that the Senator from Iowa did not offer the amendment to strike out "or" and insert "and," but merely suggested it in his remarks?

Mr. CUMMINS. No; I offered the amendment.

Mr. REED. Very well.

Mr. CUMMINS. And I think it ought to be adopted so as to end that part of it, anyhow. I shall vote for the amendment offered by the Senator from Missouri in any event.

Mr. REED. I desire, then, to move to amend the amendment of the Senator from Iowa as follows: Strike out the word "or" and insert the words "Provided, That."

Mr. CUMMINS. I have no objection to that.

Mr. SMITH of South Carolina. Mr. President, I move to lay that amendment on the table.

The PRESIDENT pro tempore. Let the amendment to the amendment be stated at the desk so that the Senate will understand it.

The SECRETARY. On page 14, line 19, it is proposed to amend the amendment of the Senator from Iowa, to strike out "or" and insert "and," by inserting, instead of "or," the words "Provided, That."

Mr. CUMMINS. That is entirely satisfactory to me. It means the same thing, in my opinion.

Mr. SMITH of South Carolina. I move to lay the amendment of the Senator from Missouri on the table.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. The Chair will hear the Senator from New York.

Mr. O'GORMAN. I hope the last motion will not prevail, because I am sure that if the Senator from South Carolina carefully read this language in section 5, on page 14, he would recognize that the phraseology is much improved by adopting the words suggested by the Senator from Missouri, rather than by substituting "and" for "or." There is a plain, manifest improvement in the phraseology.

The PRESIDENT pro tempore. The Senator from Iowa has accepted the amendment offered by the Senator from Missouri. He has a right to do that, because Rule XXI provides that—

Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays.

None of those things has happened. The question is on laying on the table the amendment offered by the Senator from Missouri, and accepted by the Senator from Iowa.

The motion was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary suggests that a matter of punctuation might be attended to, by striking out the semicolon after the words "United States" and inserting a colon. Unless there is objection, that will be done.

Mr. REED. Mr. President, I simply want to make a statement so that those who are present will understand the situation.

The PRESIDENT pro tempore. Will the Senator indulge the Chair long enough to state the pending motion? The pending motion is the motion offered by the Senator from Missouri to strike out the language indicated by him.

Mr. REED. I think this language should be stricken out for the reasons that I have offered, and that other Senators have offered, because, first, it places the jurisdiction and control of this litigation in the hands of the first person who may rush into court and takes it out of the hands of the Federal authorities. Second, it is an action in which the informer, or the person bringing the suit—not necessarily the informer—gets all of the penalty. It is liable to be productive of both blackmail and perjury. Third, it is a qui tam action; and while that kind of action, as we all know, is an old action, nevertheless it is an

action that has come into disrepute, is but seldom employed, and this is the most extreme example of it I have ever known.

There is, however, possibly some reason why the Department of Justice, being placed and kept in control of this litigation, should be empowered to offer rewards. So, if the amendment I have offered is adopted, in order to meet that view I shall offer the amendment I read a moment ago, empowering the Department of Justice, out of any penalties which may be recovered, to pay such rewards as the Department of Justice may think proper. That keeps the litigation in the hands of the Federal authorities.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Missouri. [Putting the question.] By the sound the noes seem to have it.

Mr. REED and Mr. LODGE called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JAMES (when his name was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to my colleague [Mr. CAMDEN] and vote. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence of my colleague [Mr. SUTHERLAND] from the city. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

The roll call was concluded.

Mr. CLAPP. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained at his home to-day on account of a death in his family. I will let this statement stand for the day.

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Tennessee [Mr. SHIELDS] and allow my vote to stand.

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is not present. I was not able to secure a transfer, so I therefore withhold my vote.

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDENT pro tempore. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer the pair to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. DILLINGHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. I transfer my pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. FLETCHER. I transfer my pair with the Senator from Wyoming [Mr. WARREN] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. LODGE. I have a general pair with the Senator from Georgia [Mr. SMITH]. I am released by him on this vote, and I vote "nay."

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from Virginia [Mr. MARTIN];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Kansas [Mr. THOMPSON];

The Senator from South Dakota [Mr. CRAWFORD] with the Senator from Tennessee [Mr. LEA];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH].

The roll call resulted—yeas 18, nays 29, as follows:

YEAS—18.

Clapp	Johnson	O'Gorman	Sterling
Culbertson	Jones	Overman	Thornton
Cummins	McCumber	Perkins	Townsend
Gallinger	Martine, N. J.	Reed	
Gronna	Nelson	Simmons	

NAYS—20.

Ashurst	Hughes	Poindexter	Swanson
Borah	James	Robinson	Thomas
Bryan	Kern	Root	Vardaman
Burton	Lee, Md.	Shafroth	White
Chamberlain	Lodge	Sheppard	Works
Dillingham	Myers	Smith, Ariz.	
Fletcher	Oliver	Smith, S. C.	
Hardwick	Page	Smoot	

NOT VOTING—49.

Bankhead	Fall	Newlands	Smith, Mich.
Brady	Goff	Norris	Stephenson
Brandeggee	Gore	Owen	Stone
Bristow	Hitchcock	Penrose	Sutherland
Burleigh	Hollis	Pittman	Thompson
Camden	Kenyon	Pomerene	Tillman
Catron	La Follette	Ransdell	Walsh
Chilton	Lane	Saulsbury	Warren
Clark, Wyo.	Lea, Tenn.	Sherman	Weeks
Clarke, Ark.	Lewis	Shields	Williams
Colt	Lippitt	Shively	
Crawford	McLean	Smith, Ga.	
du Pont	Martin, Va.	Smith, Md.	

The PRESIDENT pro tempore. On agreeing to the amendment of the Senator from Missouri [Mr. REED] the yeas are 18 and the nays 29. The senior Senator from Mississippi [Mr. WILLIAMS] and the senior Senator from Arkansas [Mr. CLARKE] are present in the Chamber and failed to vote because they were paired. The noes have it, and the amendment is rejected.

Mr. MCCUMBER obtained the floor.

Mr. REED. I desire to make a motion relating to this particular matter.

Mr. MCCUMBER. If the Senator please, I should like to take not more than three or four minutes, as I shall have to leave the Chamber.

Mr. REED. Very well.

Mr. MCCUMBER. Mr. President, I have refrained from giving any expression of my views on any of the matters in the bill only as I have been compelled to vote upon the proposed amendments. There are one or two matters in the bill which to me seem to be vicious and compel me to vote against its final passage, and I desire to place upon the record in a very few minutes my reasons for voting against the bill itself.

Mr. President, the virtue or vice of any bill or legislative act is to be determined not so much by the declaration of some abstract principle as by its effect. I desire to look into the effect of this bill for a single moment. We have now adopted the illiteracy clause. What is the effect of the adoption of that clause when taken in connection with another clause which exempts a certain class of people from the illiteracy test?

I presume, Mr. President, that it is the object of the illiteracy test to protect American citizenship. If the object is to protect American citizenship, I do not see that it makes any great difference to us what may be the laws affecting people on the other side of the ocean; but here when we adopt our exception to the illiteracy test we immediately abandon the very purpose of that test in the bill, so far as it affects certain religionists or certain nationalities.

Let us see the effect of this provision. There is the general provision of the bill that all aliens over 16 years of age, showing a capacity of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish, shall be excluded from entering into this country. Then on the very next page we have this provision:

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or the Secretary of Labor that they emigrated from the country of which they were last permanent residents for the purpose of escaping from religious persecution.

Mr. President, we all know what the Russian laws are. We all know that those of the religious faith—if you may call it a faith—called the Jewish are by those laws compelled to remain within certain sections of the Russian Empire. It makes little difference whether we regard the word "Jewish" as being descriptive of the religion of the Hebrew or whether it is descriptive of the race itself as descendants from Judea, the effect is the same; it operates only upon a particular class of people whom we call Jews.

Now, let us see the effect of this. We say by this legislation that if an Italian who is a Roman Catholic can not read or write he is an undesirable citizen, but if a Russian who happens to be a Jew can not read or write he becomes a desirable citizen because he is persecuted. I think we must admit that when any law of Russia is directed against the people of a race, and the religion and the race are conjoined, so that they have not the same right as every other people of that country, it is religious persecution. Therefore the immigrant who is attempting to enter into this country need only establish the statutory law of Russia in order to get free access, whether he can read or write or not.

Not only this, Mr. President, but what does this proposed law say to the German from Russia? We all know that an immense number of Germans something over 100 years ago settled around Odessa. Quite a number of them can not read or write. If that class of citizens who are members of the Greek Orthodox Church or of any Protestant denomination, or the Catholic denomination, seek to enter this country, we hold against them the test of illiteracy, but if one of the Jewish faith comes from Warsaw and seeks to enter this country the illiteracy bar will not be held against him because his race or his religion has been persecuted.

Mr. President, I did what I could to make this bill fair and just. I do not believe very much in the illiteracy clause, anyway. I do not think that the mentality of an individual whose traits of character have been impressed on him through tens and thousands of centuries of heredity is going to change his nature in the slightest degree by becoming capable of reading or writing. It is not an art which requires an immense amount of intellectuality for a person to be fully capable in it. Instead of making him a better citizen, if his characteristics are wrong, it enables him the better to become a bad citizen.

Now, let us admit the real truth of the provisions of this act. You raise the illiteracy test not because you believe it is a just and fair test, and while you may argue upon that basis, your real purpose is to keep out a certain number of people, desirable or undesirable. You say there are too many immigrants coming from southern Europe and you desire to keep them out. You can not make legislation for immigrants from one country and different legislation for immigrants coming from another country, because in one section of the country there are more illiterates than there are in the northern sections of Europe. Yet you attempt to accomplish this by keeping out a greater number by your illiteracy test, rather than by really defending American citizenship, by raising that test.

Mr. President, I wish the Russian Jew to come into this country if he is a good man, and I want our gates to be swung wide open for him. I equally want the Italian Roman Catholic to have exactly the same right that the Russian Jew has, so far as the gates of our ports are concerned. Yet you by your legislation say to the one, Notwithstanding you would make a very good citizen, you shall not enter into the United States; notwithstanding the fact that you might be the very best citizen, because you profess in reality a different faith from that mentioned as an exception and have been persecuted, you shall not enter through the portals to this land of promise.

Mr. President, the only way to avoid this injustice in our bill is by the adoption of the amendment that was offered and voted down which gives every race and every religionist exactly the same right. I myself can see no difference between the Russian who is not a Jew and the Russian who is a Jew coming to this country. We have a great many Russians in my State who are of the Greek Orthodox Church and many of them members of other churches. They are among our best citizens in developing the country. We want them here; we have no objection to them; but what we do object to and what I object to is saying that they shall not enter if they are illiterate, while their brother, professing a different religion or of a different race, may enter into the United States, though he is illiterate. In other words, the illiteracy clause ought to apply to every foreign citizen seeking entrance into this country or it ought not to apply to any of them, and because of the injustice of the proposed law as it now stands, I shall be satisfied myself to vote against its enactment.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. The Senator from Missouri [Mr. REED] has a matter to offer.

Mr. REED. The amendment I desire to offer relates directly to the matter just passed upon, and if it will be equally agreeable to the Senator from Massachusetts, I should like to offer that amendment and let the Senate vote upon it.

Mr. LODGE. Certainly.

Mr. REED. I move to strike out in section 5, page 14, line 14, the following language:

Or by any person—

Mr. WILLIAMS. Will the Senator from Missouri pardon me a moment? Mr. President, I had offered an amendment which was pending which precedes in the bill the one the Senator is about to offer, and if the Senator will pardon me just one moment, I want to make an explanation in connection with it and then to withdraw it.

The PRESIDENT pro tempore. The Chair will state to the Senator from Mississippi that there is no such amendment pending, so far as the Chair is advised at the desk.

Mr. WILLIAMS. The amendment was pending at page 9, line 12, after the word "prosecution." It was printed as an

amendment intended to be offered and is upon the desk. Since that time the Senator from Massachusetts [Mr. LODGE], a member of the committee, has offered an amendment upon the same subject to come at a subsequent part of the bill. His amendment, in my opinion, is more specific, better, and reaches the object better and is in better phraseology. I therefore desire to withdraw mine.

The PRESIDENT pro tempore. Permission will be granted unless objection is made. The Chair hears none.

Mr. REED. In order that the Senate may understand it, I desire to state my amendment. I move to strike out of the bill the following language, appearing on page 14 and beginning with line 14:

Or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such aliens thus offered or promised employment as aforesaid.

And to insert in lieu of said language, at the end of line 18, page 14, the following:

The Department of Justice may from any fines or penalties recovered pay rewards to the persons, other than Government employees, who may furnish information leading to the recovery of any such penalties or to the arrest and punishment of any person as hereinafter in this section provided.

Mr. President, that places the payment of the reward and the control of the litigation where it ought to be, namely, in the hands of the Department of Justice. It empowers that department to use a portion of, or, if they see fit, all, the penalties for the purpose of securing the information, but it avoids the objectionable practice of private individuals bringing suits and recovering penalties for their own benefit, and bringing the suits without the control of the Department of Justice.

Moreover, it adds to the bill this useful provision: Under the bill as it now stands the Department of Justice is not authorized to pay any reward to the man who brings information and causes the arrest of any person under the criminal provision of the act. The law is deficient in that respect, and it would supply it.

I have stated the matter, and that is all I desire to say.

Mr. SMITH of South Carolina. Mr. President, I move to lay the amendment on the table.

The motion was not agreed to.

The PRESIDENT pro tempore. The question recurs on the adoption of the amendment offered by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

Mr. LODGE. I now move the amendment to which the Senator from Mississippi [Mr. WILLIAMS] referred. I have changed two words in it—in line 8 the words "take up," because that term is used generally in connection with our public lands, to the word "purchase."

I desire to say in regard to this amendment that it is carefully drawn for the purpose of permitting a limited class of Belgians who have been expelled from their own country to come here. It is necessary that they should be agricultural, and they would be, as a matter of fact, chiefly of the market-gardening class. An association or corporation has been formed to bring those persons here. The plan is to bring only families and to settle them in communities. It is strictly guarded. If it is desired to do anything for those unfortunate people, nothing could be more carefully guarded than this amendment. They must be agricultural immigrants; they must come here during the course of the European war or owing to circumstances or conditions arising from the war, and they must come prepared to purchase land. The association or corporation is engaged in helping them. There are 25,000 Belgians in England, and they are scattered all through the countries where they have taken refuge.

Mr. ROOT. There are about a million in Holland.

Mr. LODGE. There are about a million in Holland, as the Senator from New York suggests; and among them there is a large number of men and women whose whole life has been given to agriculture, chiefly, as I have said, market gardening. This corporation or association is prepared to help them to purchase land and stock it sufficiently and give them sufficient buildings to begin as a community, removing in that way any tendency of loneliness to seek their compatriots in one of the larger cities. I move the amendment and ask that it be read.

Mr. POMERENE. If I may, I desire to ask the Senator from Massachusetts why he would extend this privilege to a Belgian who was engaged in agricultural pursuits and not extend it to another who might be engaged in manufacturing or other pursuits.

Mr. LODGE. Mr. President, it seems to me we may well be careful how we enlarge the provision. The requests which came from the Belgian committees, the people interested in them, are embodied precisely in my amendment.

Mr. REED. I wish to ask the Senator a question. There happens just now to be a committee, as I understand the Senator, having under consideration a plan to relieve certain of the Belgian people. That committee plan is to take them to farms—a most admirable plan and one we can all give our hearty assent to—but suppose that two months from now, or the day after to-morrow, another committee, or this same committee, desires to furnish equal assistance to Belgians who are not farmers, but who are highly desirable as citizens, and who have certain arts and industries in which it is said they excel. Should we close the doors upon those people and should we so enact our legislation that other plans not yet developed will be cut off? Is it not possible—I am asking a somewhat complicated question—to frame this amendment so that these people may be assisted to come here whatever their occupation, and still throw sufficient safeguards around the amendment to prevent any abuse growing up under it?

The PRESIDENT pro tempore. The Senate does not know what the amendment proposed by the Senator from Massachusetts is. Before recognizing any other Senator, the Chair will direct the Secretary to read the amendment.

The SECRETARY. The amendment proposed by Mr. LODGE is, on page 12, line 18, after the word "guests," to insert:

Provided, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to agricultural immigrants from Belgium who come to the United States during the course of the present European war, or owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come prepared to take up land in the United States and become American citizens.

Mr. LODGE. Mr. President, I think we may well be content to do this. If we make the provision universal and general, I am not sure that we should get these people, and we might have a great many come here who would at once become a public charge. Moreover, the agricultural people are the ones who have suffered most. They have lost all their property; they have lost their opportunity in life; they have lost absolutely the work and the means of doing the work which they can do only in that one form. Those who are operatives engaged in manufacturing industries have no difficulty, and will have no difficulty in the future, certainly, in finding employment, because the industries in which they are engaged exist everywhere. We all know, moreover, that it is desirable to encourage agricultural immigration, and I think it is wiser to limit the provision than to make it too general. If we make it too general, I am afraid we may lose everything.

The PRESIDENT pro tempore. How do the provisions of the Senator's amendment reconcile themselves with the most-favored-nation clause which is contained in most of our treaties?

Mr. LODGE. Mr. President, I suppose it may be said that there are several things in this bill which might possibly be brought under the favored-nation clause, but I think there would be some difficulty in bringing this precise amendment under it, because we impose a number of conditions which could not be fulfilled by the other nations.

The PRESIDENT pro tempore. There is one that could not be fulfilled; they could not come from Belgium. But suppose a German should present himself here?

Mr. LODGE. If you could find another country in precisely that situation, undoubtedly that objection would apply; but practically that is impossible.

Mr. POMERENE. This thought has suggested itself to my mind since the Senator has presented the amendment: I take it that this is not an effort to extend any privilege to Belgium as a kingdom or as a nation?

Mr. LODGE. Not at all.

Mr. POMERENE. Certainly not. There are Germans, there are Frenchmen, there are Austrians, there are British subjects who are no more responsible for conditions that prevail in their respective countries than are the Belgians for the conditions that now affect them. I am now speaking of individuals. That being the case, why should a privilege of this kind be extended to the nationals of one nation and not to the nationals of other nations who may be similarly circumstanced?

Mr. LODGE. Mr. President, when the nationals, subjects or citizens, of any other of these countries reach the condition of Belgium and of the Belgians, then I think we ought to do it. There is a whole population, practically, of 7,000,000 people who have been almost swept out of existence; their entire country is and has been for months a battle field, and they have been forced into exile. Entire towns and cities have been depopulated, and people wholly innocent—

Mr. SMITH of South Carolina. Will the Senator from Massachusetts permit me?

The PRESIDENT pro tempore. The Senator from Ohio has the floor. Does he yield to the Senator from South Carolina?

Mr. POMERENE. Yes.

Mr. SMITH of South Carolina. I desire, with the permission of the Senator from Ohio, to ask the Senator from Massachusetts if he will allow me—

The PRESIDENT pro tempore. The Senator from Ohio, the Chair understands, yields.

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. If it is the condition that has arisen in Belgium that we are dealing with, and not the causes that led up to it—if the distressed condition of the Belgians has been the cause of the proposed amendment, would it not be equally pertinent as to certain distressed Italians who have nothing? These Belgians have nothing, and somebody has got to provide means for them to buy farms. When they come here you can not make them go on the farms; once they are here and naturalized they will do as they please. Why could not that same thing occur if subjects of Italy should come and some corporation should picture to us the distressed condition of those Italians and say they would bring them here and put them on farms?

Mr. LODGE. Mr. President, Italy has not been touched by the hand of war at all, while the whole world recognizes the condition of Belgium is different from that of any other country; it is different from anything we have ever seen. I am not going into the merits or the demerits of the question at all; but here are a people who have been exiled by the million from their country, who are being supported in Holland, in England, and here by charity. They are thrown on the charity of the world; their case is wholly different from that of the French or of the Germans or of the English or of the Russians, who have powerful Governments and large portions of their territory untouched by the hand of war.

Mr. POMERENE. Mr. President, with all due respect to the learned Senator from Massachusetts, his answer to my first question was that this is not extending a special privilege to the Belgians as a nation or to the Belgian Kingdom. I concede that to be so; but now the Senator takes the position that because the misfortune which has been visited upon Belgium is greater in extent than that which has been visited upon any other nation, therefore we should give this privilege to the individual Belgians. My thought is while it is true that the Belgians have suffered—and words can not portray the extent to which they have suffered—yet at the same time that we are extending this privilege to the individual Belgians, there are individual Frenchmen, there are individual Germans, there are individual subjects of Great Britain who have suffered to the same extent. The Chair very pertinently put the question as to how we may distinguish here as between the nationals of one country and those of another. That is the thought that troubles me.

Mr. LODGE. Mr. President, I suppose that the nationals of another country who can prove the same facts might, if they see fit, raise the question of the favored-nation clause; I think it is very doubtful whether it would be sustained; but if it is necessary to avoid these objections, which to my surprise seem to arise here against this limited act of charity to those stricken people, then I will withdraw my amendment and ask the Senator from Mississippi [Mr. WILLIAMS] to present his amendment, and I will support that instead of mine. People are afraid to name Belgium or Belgians in a matter of this sort; they are afraid it will jar on somebody's feelings. I am perfectly willing to accept the amendment proposed by the Senator from Mississippi.

Mr. SMITH of South Carolina. As the Senator from Mississippi has already accepted the amendment of the Senator from Massachusetts, I move to lay the amendment on the table.

Mr. LODGE. The Senator from South Carolina will not avoid this subject in that way.

Mr. WILLIAMS. Mr. President, I hope the Senator from South Carolina will not do that.

The PRESIDENT pro tempore. The motion made by the Senator from South Carolina is not debatable. The Senator from South Carolina moves to lay the amendment on the table. [Putting the question.] The yeas seem to have it; the yeas have it.

Mr. WILLIAMS. Mr. President, the chief differences between the amendment as offered by me and the amendment offered by the Senator from Massachusetts [Mr. LODGE] are these two: In my amendment I did not mention—

The PRESIDENT pro tempore. Has the Senator from Mississippi offered any amendment? If the Senator from Massa-

chusetts has withdrawn his amendment, there is nothing pending which can be debated.

Mr. LODGE. I have not withdrawn my amendment, Mr. President.

Mr. WILLIAMS. Now, if I may be permitted to make a statement, the chief differences between the two amendments are these: The Senator from Massachusetts, in his amendment, specifically names the Belgians, while, in my amendment, I did not name them, but described them so that the description could not apply to anybody but to the Belgians. Then I relieved them solely from the literacy test, whereas his amendment would relieve them from the assisted-immigration test. I think, perhaps, that my amendment is a little better in the first regard, while it is not nearly so good in the second respect. I described those persons in this way:

In cases where the territory of their country had received recognition by belligerent powers as neutral territory and where their land was invaded for no other reason than that their Government refused to consent to be invaded.

That description can apply to nobody but the Belgians.

The Senator from Ohio [Mr. POMERENE] wants to know why the Belgians are in a different attitude. That is the reason why they are in a different attitude. Every national is affected by the act of the government of his country. The Governments of England, Germany, France, Austria, Russia, Serbia, and Turkey have gone into this war; none of them were forced into it; and when I say that none of them were forced into it, I mean that none of them were physically forced into it; but Belgium was literally forced into it. It might have been a question of honor or of self-defense after a while in the other cases, but in the case of Belgium the request was made that she herself should violate her solemnly given obligation to defend her own neutrality, and notice was given that if she did not consent to violate her plighted word to defend her own neutrality, then she should be invaded. She was invaded, and the armies of both sides have fought all over her country. Her people desired war with nobody; they committed no crime under the sun except refusing to consent to be invaded, refusing to put themselves on record down through all eternity as cowards, but for no other reason the armies of both sides have devastated her soil and destroyed her factories. The farmers of Belgium have suffered more than any others. Their cattle and stock are gone, their agricultural implements are gone, the villages in which the farmers lived and from which they have been accustomed to go out to cultivate their fields are in many cases totally destroyed, and the people are exiles in Holland and in England. The Southern Commercial Congress is prepared, or thinks it is prepared, to place a great many of them upon cheap and good lands in the South. There is another corporation which is prepared to place some of them in the West, as I understand.

These people are in a totally different position from any other people in civilized times. There was a time, long, long years ago, when very many people very frequently were brought into that condition, when hordes of people, coming to the West from the East and to the South from the North, thought they had a right to overrun everything or anybody in order to find for themselves new homes and better opportunities for the future, but this is the first instance in modern civilized times of a people ever having suffered in this way.

I am criticizing nobody; I am absolutely neutral so far as this war is concerned, as every American ought to be. I recognize no interest of any description or any policy that has any right to appeal to me except American interest and American policies; but these people, men, women, and children, have appealed to my sympathy because they have suffered for no fault of their own or of their Government. They have been ground between the upper and nether millstones of warring nationalities when they themselves wanted to keep at peace and their Government wanted to keep at peace with all men and all nations.

In response to the suggestion made by the Senator from Massachusetts, I suggest that perhaps if instead of the word "Belgium" in his amendment he would substitute the description found in my amendment and then leave the remainder of his amendment, it would be better than either mine or his now is, and that would free the amendment from the objection suggested by the Senator from Arkansas [Mr. CLARKE]. Then nobody could invoke the favored-nation clause, because every nation in the world coming within this description would have this provision applied to its nationals.

Mr. LODGE. I understand the Senator to suggest that I strike out the word "Belgium" in the amendment which I have proposed?

Mr. WILLIAMS. Yes, sir; and to insert "from any country where the territory of their country had received recognition by belligerent powers as neutral territory and where their land

was invaded for no other reason than that their Government refused to consent for it to be invaded."

Mr. LODGE. That is, retain the first three lines of my amendment, reading:

Provided, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to agricultural immigrants—

Mr. WILLIAMS. "Coming from any country"—

Mr. LODGE (continuing)—

coming from any country where the territory of their country had received recognition—

And so forth.

The PRESIDENT pro tempore. Why would it not accomplish the purpose to adopt the amendment of the Senator from Massachusetts and send it to conference to be worked out there?

Mr. LODGE. I accept the modification suggested by the Senator from Mississippi, as far as I have power to do so.

Mr. LEWIS. Mr. President, may I be permitted to call the attention of the Senator from Massachusetts and the Senator from Mississippi—

The PRESIDENT pro tempore. Not until we find out what is presented to the Senate. The Chair will ask the Senator from Illinois to indulge him for a moment.

Mr. LODGE. I will read the amendment, Mr. President, if the Secretary will take it down. I move the following as an amendment:

Provided further, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to immigrants from any country in cases where the territory of their country had received recognition by belligerent powers as neutral territory and where their land was invaded for no other reason than that their Government refused to consent to be invaded.

Mr. WILLIAMS. "Consent for it to be invaded," it ought to be.

Mr. LEWIS. Mr. President, may I be permitted to call the attention of the Senator from Massachusetts to a feature in his amendment that impresses me as having considerable prospect of embarrassment?

Mr. President, I do not know whether the purpose of the Senator is to have his amendment go to the committee or whether it is to be acted upon at this particular time.

Mr. LODGE. To be acted upon at this time. The committee has long since finished with the bill and this question must be decided here.

Mr. LEWIS. Mr. President, I heard some reference to a conference, but, having just come into the room, perhaps I did not gather the reference.

The PRESIDENT pro tempore. The Chair will state to the Senator from Illinois that he assumed that the differences between the two Houses would be worked out by the usual conference committee.

Mr. LEWIS. Mr. President, I understand what the Chair means. I thought that there had been some previous reference to a conference committee. I will say to the Senator that I regard that it would be a queer thing for us to enact a provision admitting to our shores any people whom we decide have been the subject of invasion by another country when their country was neutral. We could only do so by first deciding that some country had invaded them, and therefore we would render judgment by our action that they had been so invaded. Whatever defense the invading country might have had we would wholly overlook; we would simply render the judgment of the United States that a certain neutral country had been invaded, say, for instance, as in this case, by Germany. We would therefore create, as I see it, a cause of protest on the part of such countries because of our judgment against them, for they may have a reason to contend and may contend that their entrance into the country was dictated by considerations of national defense or of national preservation. I suggest, therefore, instead of the words "where the territory of their country had received recognition by belligerent powers as neutral territory and where their land was invaded," that there be inserted some such language as this, "any country suffering from the results of conflict or war," so as not to call for a judgment on our part that a country had been invaded, when the invaders may take the position that they were defending themselves.

That is the exact attitude, if I may so state to the Senator, who is a learned scholar in matters of foreign policy, which has been taken by many. Prof. Hugo Münsterberg and his colleagues have sent us a book—I have no doubt it is on the Senator's desk—in which it is contended in behalf of Germany, answering the very charge that the friends of Belgium make, that that country was invaded because, as the able Senator from Massachusetts said, it desired to be neutral, that Belgium was upon the eve of cooperating with France to assail Germany.

Whether they are right or wrong as to that, of course we do not know; but the fact that they make that contention I think would suggest that it would not be prudent for us to set up as a condition precedent a finding that a certain Government had been guilty of having invaded Belgium before we may allow Belgium or any other country to avail itself of the benefits of this act.

Mr. LODGE. Mr. President, the Senator has been discussing a portion of the amendment which is not mine. My amendment did not contain the words which he has been discussing. Those are in the amendment of the Senator from Mississippi [Mr. WILLIAMS].

Mr. LEWIS. I beg to say to the Senator that I just came into the Chamber and heard it as it was being read.

Mr. LODGE. I expressed my willingness to adopt the other, as objection was made to my amendment because it mentioned Belgium. We apparently have become so tender that we can not even mention Belgium and the sufferings of the Belgian people without fear that somebody will be offended.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. Does the Senator abandon the use of the term "Belgium" because he fears that under our treaties we would be embarrassed by its use?

Mr. LODGE. No, Mr. President; I do not think that the favored-nation clause—

Mr. SMITH of Georgia. I would personally be very much gratified to take down every barrier between the Belgians and the United States and allow them to come in. I think we have in passing upon immigration questions to determine our wishes and our interests. I think the record of these people has been such that we may well be glad to hail them as fellow citizens; their condition certainly appeals to us, and I would myself, if we can legally do so, be delighted to remove every barrier and bring them here.

Mr. WILLIAMS. Mr. President, if the Senator from Georgia will pardon me—

Mr. LODGE. I think I have the floor; I yielded to the Senator from Georgia.

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. LODGE. Mr. President, I will say to the Senator from Georgia that I do not think the favored-nation clause would have any practical operation if we name Belgium in the amendment unless some other country could produce immigrants to whom the same conditions applied. In that event they could undoubtedly make a point under the favored-nation clause, but I do not think it would hold or is a practical question, because this is temporary and relates to peculiar circumstances. However, there was objection made in the Senate that we should hurt somebody's feelings if we named Belgium, and I tried to avoid that objection, in the hope that we could get something we could all agree upon by taking the amendment of the Senator from Mississippi, which names nobody, but contents itself with a description. I am inclined to think that my own form of amendment is on the whole the best and that the descriptive terms would require decision on international relations upon which they ought not to pass.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield.

Mr. SMITH of Georgia. I only wish to say to the Senator from Massachusetts while he is still upon the floor that there are a number of us who would very much prefer to vote flatly for the admission of the Belgians, provided the members of the Committee on Foreign Relations, who are more familiar with the subject than most of us, will advise us that no treaty complications would be produced by reason of using the specific term "Belgium."

Mr. LODGE. If you make it applicable to all Belgians by name without any of the conditions embodied in my amendment, why of course then you open questions under the favored-nation clause.

Mr. WHITE. Mr. President—

Mr. LODGE. One moment, Mr. President. If you leave it as I have it with certain conditions put upon it others can not raise that question unless they are prepared to fulfill the same conditions.

Mr. ROOT. Mr. President—

Mr. LODGE. I yield to the Senator from New York.

The PRESIDENT pro tempore. Does the Senator yield the floor, or just yield for an interruption?

Mr. LODGE. No; I yield for an interruption. I have no right to yield the floor.

Mr. ROOT. Mr. President, I do not think there need be any apprehension under the favored-nation clause of our treaties. I do not think those treaties stand in the way of the adoption of this amendment at all, any more than they would stand in the way of an exceptional or occasional permit to allow particular individuals to come into the country.

This amendment, as drafted by the Senator from Massachusetts, and equally the amendment as framed by the Senator from Mississippi, is an amendment applying to a specific situation. It is not general; it is not permanent. It permits Belgians to come here in the course of the present European war, or owing to circumstances or conditions arising from the war. I read from the amendment of the Senator from Massachusetts. I prefer the form of the Senator from Massachusetts to the form of the Senator from Mississippi because both of the suggestions of the Senator from Illinois [Mr. Lewis] and of the preference of the Senator from Ohio. I think it is much less objectionable to name the country than it is to describe the country by enumerating certain facts regarding which, as the Senator from Illinois well says, there may be controversy. I think, with the Senator from Georgia, that we had better say what we mean with regard to the admission of immigrants from Belgium.

Mr. WHITE. Mr. President, I should like to ask the Senator from New York a question, if it is agreeable.

Mr. ROOT. Certainly.

Mr. WHITE. Is there not danger that while this description now simply covers Belgium, in the future conditions might arise which would make it fit other countries whose immigrants will not be so desirable?

Mr. ROOT. The Senator means, I presume, if the form suggested by the Senator from Mississippi were adopted?

Mr. WHITE. Yes.

Mr. ROOT. That may be a reason why the form of the Senator from Massachusetts is preferable. I think, as it relates to a particular situation, dealing with a particular exigency which is recognized by every nation on earth, there is no need for us to be apprehensive of violating the favored-nation clauses of our treaties.

Mr. POMERENE. Mr. President—

Mr. ROOT. Now, let me say one further thing, and I will refer to something the Senator from Ohio has said. I will yield to him now or I will say what I have to say first, just as he prefers.

Mr. POMERENE. Just in connection with what the Senator from New York was saying when this colloquy began, I should like to say that the language of the amendment proposed by the Senator from Massachusetts limited this privilege to Belgians who were engaged in agriculture; in other words, to agricultural immigrants. Now, I saw the technical objection, so far as naming any particular country was concerned; but the trouble which has come upon Belgians who are engaged in agriculture has also befallen those who are engaged in lace making or in any other manufacturing industry, and I was not able to see why we should extend to a Belgian farmer a privilege that we were not willing to extend to a Belgian mechanic or artisan of one kind or another. More than that, as we were taking up this particular subject, it seemed to me that we could extend our hospitality to those who had suffered the horrors of that awful war, whether they were Germans or Austrians or French or British or Belgians. That was my position.

Mr. ROOT. Mr. President, let me tell the Senator from Ohio one reason for making this provision regarding Belgium. The people of Belgium no longer have a country. It has been taken away from them. They no longer have a Government to watch over them or provide for them. Their Government has been destroyed and exiled. They are wandering over the face of the earth without a home.

Mr. POMERENE. Mr. President—

Mr. ROOT. One moment; I will not yield for a moment. There never has been, since the foundation of our Government, a people to whom the hearts of America have turned with as deep compassion or as strong a desire to give relief to suffering. There are no other people in the world without a Government to care for them. There are no other people in the world without a country.

It is but a few years since I passed through Belgium, and looked upon either side upon a garden. The whole country was a great garden of beauty and luxuriance, such as I had never imagined. The evidences of industry and thrift, of the existence of all those qualities which make a nation prosperous and happy, existed there to a degree that I have never seen surpassed anywhere in the world.

Now, those fields, which were so fertile, have been beaten down by the passing and repassing of armies. Those villages and towns have been destroyed. Two million of the people are exiles in foreign lands; without homes, for their homes have been destroyed; without means of living, for the fields that they tilled and from which they earned so rich harvests are covered by armies, and have been beaten down into a desert.

We are engaged in discussing a measure for the protection of the United States against undesirable immigrants. The proposal of the Senator from Massachusetts is that, while we are closing the door against them, we shall specially provide that we do not close the door against these homeless people, who have illustrated the highest and the best qualities of citizenship; that we shall except them and permit another means of succoring their distress, through the soil of the United States. Millions of dollars are being paid by our people to feed in their own land those that remain, and in Holland those that have left their land. Every day the stream continues of thousands of dollars, but that is temporary. The only way in which they can really be effectively succored is to enable them to begin producing. The production of the country has stopped, and this proposes to enable them to begin production in America.

There never has been, sir, within modern history a case like this. It is exceptional. It appeals to our best judgment in seeking to frame our law so that it will permit the entrance of the best material for citizenship, and it appeals to our noblest sympathies and the noblest sympathies of all the people of the United States. I think we should treat it as an exceptional case, and that it is better not to try to pretend that we are making a general provision applicable to all people.

Mr. LODGE. Mr. President, if I may be permitted to do so, I will allow my amendment to stand as originally offered.

The PRESIDENT pro tempore. Very well; then the direct proposition can be submitted to the Senate.

Mr. WILLIAMS. Mr. President—

Mr. LODGE. I yield to the Senator from Mississippi.

Mr. WILLIAMS. When I first rose, it will be remembered that I suggested that in my opinion the amendment as drawn by the Senator from Massachusetts was more specific and better covered the case. I afterwards suggested the modifications merely to satisfy certain minds in the Senate. That was merely a tactical reason. I am now of the opinion that the amendment will be just as strong, if not stronger, in the shape in which he has offered it than in the shape in which I offered it, and I therefore very willingly withdraw my amendment.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. The Senator from Massachusetts has the floor.

Mr. LODGE. I ask that my amendment as originally offered may be the pending question.

The PRESIDENT pro tempore. That will be considered the pending question.

Mr. LODGE. The pending question is my amendment, with the single modification of "purchase" instead of the words "take up."

Mr. POMERENE. May I ask to have the amendment stated again?

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 12, line 18, after the word "guests," it is proposed to insert:

Provided, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to agricultural immigrants from Belgium who come to the United States during the course of the present European war or owing to circumstance; or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgium immigrants come prepared to purchase land in the United States and become American citizens.

Mr. FLETCHER. Mr. President, I realize the danger and the difficulty of making exceptions in a bill like this, but I am inclined to favor the amendment as proposed by the Senator from Massachusetts. I prefer the amendment with the word "agricultural" in it to the amendment without it, because I do not know anything at all regarding the people engaged in factories and other occupations over there; but I had occasion, on the 2d of August last, to observe something of these Belgium farmers.

I was in Paris at the hotel facing the Gare du Nord Station, and the streets leading to that station had been roped off, so that there was an area of 3 or 4 acres in front of the station, an open space, into which there came on Saturday, August 1, and on the night of Saturday, and on Sunday, August 2, something like a thousand of these Belgium farmers. I inquired where they came from and how it was that so many of them seemed to be in France, and I was told that they had been en-

gaged in harvesting in the wheat fields of France. Each of them was carrying his little sack—with his clothes, I suppose—and his scythe and hook which he had been using in harvesting the wheat crop.

I observed them over Saturday night and over Sunday as they were camped in this area awaiting trains to take them to their homes. They were proceeding as rapidly as possible to what they considered the protection of their homes and their country. I never saw a more orderly, a more sober, courteous, manly set of men anywhere, and I am quite sure that men of that kind would be an acquisition, especially to our agricultural industry in this country.

For that reason, together with sympathy for some of the views which have been expressed here, I am inclined to favor this amendment, and shall vote for it.

Mr. SMOOT. Mr. President, I wish to suggest an amendment to the amendment to the Senator from Massachusetts [Mr. LODGE]. His amendment provides that these people shall be admitted "if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come prepared to purchase land in the United States and become American citizens." I believe that ought to be "purchase privately owned lands."

Mr. LODGE. I have no objection to that.

Mr. SMOOT. I make that suggestion, Mr. President, because it might interfere with our public-land laws if it were not specifically stated.

Mr. LODGE. I have no objection to that.

The PRESIDING OFFICER (Mr. GRONNA in the chair). The Senator from Massachusetts accepts the modification suggested by the Senator from Utah.

Mr. SMITH of Georgia. Mr. President, I shall vote for the amendment as it is offered if we can not broaden it. I should be glad to strike out the term "agricultural" and let it apply to all immigrants, and to strike out the term "take up lands in the United States," so that it would broadly permit Belgian immigrants to come to the United States. They would have that right at any time, but I would not limit it to those who purchased or to those who come prepared to purchase. I would let it read, if I framed it to suit myself—

or owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said immigrants come prepared to become American citizens.

I move, Mr. President, to strike out the word "agricultural" before "immigrants," and to strike out, after the word "to," in the eighth line, the words "purchase land in the United States."

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment offered by the Senator from Georgia.

The SECRETARY. It is proposed to strike out the word "agricultural" where it appears before the word "immigrants" in line 3.

The PRESIDENT pro tempore. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. So that the amendment will read:

Provided, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to immigrants from Belgium who come to the United States during the course of the present European war, or owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgium immigrants come prepared to become American citizens.

Mr. SMOOT. Mr. President, it seems to me that if the Senator is going to limit the amendment by the words stricken out by him he ought to strike out all after the word "war," as follows: "If it is shown to the satisfaction of the Commissioner General of Immigration that such Belgian immigrants come prepared to become American citizens." I do not think that language ought to be in the amendment. I think, if we adopt the amendment that has been offered by the Senator from Georgia, it certainly will fall under the favored-nation clause, and I believe it will mean the defeat of the amendment. That is my opinion.

Mr. WALSH obtained the floor.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH. I yield.

Mr. SMITH of Georgia. I should like to ask the Senator from Utah why, by striking out the word "agricultural" and striking out the provision that they must be prepared to purchase lands, the amendment would fall any more under the favored-nation clause of our treaties than it would fall under the proposed terms of the amendment?

Mr. SMOOT. I think, with the amendments suggested by the Senator, it becomes so broad that all Belgians could enter the

United States and be relieved from the illiteracy test, the contract-labor provision, and the provision as to induced or assisted immigration.

Mr. SMITH of Georgia. I admit that.

Mr. SMOOT. Therefore, I think it certainly would fall under the favored-nation clause of our treaties.

Mr. SMITH of Georgia. But why would it fall any more under it to let them broadly come in that way than to say that they could come if they were prepared to purchase lands in the United States? If it would fall in the one instance under the favored-nation clause to admit these Belgians broadly, growing out of their conditions incident to the war, if they did not come prepared to purchase lands, would it not equally fall under the restrictions of the favored-nation clause to say that Belgians alone could come if they were prepared to purchase lands?

Mr. SMOOT. That is true as far as the purchase of land is concerned, but that is not true as far as the word "agricultural" is concerned. The lands of the agricultural people of Belgium have been laid waste; their crops have been destroyed; they have been driven from the land. The mechanics and other classes of citizens of Belgium can in many cases secure employment in France, Holland, and England, but the farmer can not. The Belgian mechanic may be in the same position as the mechanics of other belligerent nations; and, if so, to allow them to enter under the proposed amendment certainly would fall, in my opinion, under the favored-nation clause.

Mr. SMITH of Georgia. If they have all been driven out of Belgium, practically, and are wanderers from their homes, would it not be equally as proper to admit one class as the other?

Mr. SMOOT. What I wished to impress upon the Senate, if I could, was that the agricultural people of Belgium are in an entirely different condition than the agricultural people of any other country; and that being the case, they would not fall under the favored-nation clause, in my opinion.

Mr. WILLIAMS. It can all be properly worded in conference, anyhow.

Mr. SMOOT. And if we take that into consideration, and they are the facts, then it would fall under the favored-nation clause.

Mr. WALSH. Mr. President, if the amendment offered by the Senator from Georgia should not prevail—and I shall vote for it myself—and the question recurs upon the amendment as it theretofore stood, I trust the amendment suggested by the Senator from Utah will not prevail. I think it should be left as it is. There is no reason whatever for—

Mr. LODGE. The Senator means as I originally drew it, so as to read "purchase land," without saying "privately owned"?

Mr. WALSH. Yes, sir; because, Mr. President, we want to afford these people an opportunity to purchase agricultural lands, so far as agricultural lands can be purchased, from the Government of the United States, and from the States as well.

In my own State large areas of lands have been transferred by the Government of the United States to the State upon the consideration that the State shall reclaim these lands by works of irrigation under what is known as the Carey Land Act. The State has those lands for sale, and Belgians have already come to the Carey land projects in my State. A large colony have come within the last three years to take over homes upon one of these projects. We are delighted to have them as prospective citizens of our State. They are required to buy these lands from the State, and to enter into contracts with the contractor who carries on the works of irrigation to take water from the irrigation works. We want to give every opportunity to those people to acquire Carey lands from the State, and thus it would be inadvisable to make the restriction suggested by the Senator from Utah.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH. I do.

Mr. SMOOT. I will say to the Senator that I had in mind the purchase of public land, but since he has called attention to the purchase of lands selected under the Carey Act I can see that the amendment suggested by me might interfere with the purchase of such lands. Therefore I will ask that the amendment proposed by me and agreed to may be reconsidered, and I will withdraw it.

The PRESIDENT pro tempore. Unless there is objection the amendment proposed by the Senator from Utah will be considered as withdrawn.

Mr. JONES. Mr. President, this amendment, as now presented, seems to me to be a most remarkable one.

I sympathize very much with the reasons given by the eloquent Senator from New York as to why we should help out the Belgians. I would be constrained to vote for an amendment that would carry out the ideas he presented; but this amendment does not do that at all. This amendment starts out by saying that an agricultural Belgian who has been deprived of his home, deprived of his occupation, and driven from his country, shall be permitted to come into this country; but not all of those can come in under the latter part of this remarkable amendment. Only the man who has money can come in.

Mr. LODGE. Mr. President, if the Senator will allow me, I am afraid I did not have the good fortune to have the Senator's attention while I explained the amendment. It is drawn in conformity with the request of those persons and associations who are interested in bringing the Belgians here. They furnish the money. They do not expect the Belgians to do it.

Mr. JONES. They are going to buy the land for them, are they?

Mr. LODGE. They are going to buy the lands and stock them. They are prepared to give \$2,500 to a family.

Mr. JONES. Mr. President, I think that makes it even worse. I should like to know—

Mr. LODGE. Perhaps it does. It is charity. It may make it even worse.

Mr. JONES. I should like to know who the people composing this committee are, and where they propose to put these Belgians, and why it is that they are not helping some of the shoemakers of Belgium to get into the shoemaking industry in this country and get established there, and furnish them with funds, and furnish them with employment. They are suffering just as much as any agricultural immigrant who may want to come in here.

A man who is deprived of his occupation and deprived of his way of making a living is just as much entitled to help if he works in a factory as the man who works on a farm. If we are going to be generous to these people, let us be generous to them regardless of the occupation they have been following in Belgium, and regardless of the occupation they propose to follow in this country. Let us follow the principles of humanity pointed out so eloquently by the Senator from New York, and help out all of these poor people if they deserve help and assistance.

Mr. SMITH of South Carolina. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Carolina?

Mr. JONES. Certainly.

Mr. SMITH of South Carolina. I would like to call the attention of the Senator from Massachusetts who proposes this amendment to the fact, as I understand it, that Belgium is now an ally of one side in the great conflict in Europe, and in accordance with her pledge she refused to allow her neutrality to be overrun by one of the contending powers. That compact was made with one on the other side in the struggle. Therefore until the conflict shall have ended Belgium is to-day bound to put into her army every able-bodied man she can to sustain the position she now occupies. The Senator's amendment applies to those who during this war come here for agricultural purposes. Certainly none but the aged and those too young to engage in agricultural pursuits could come. Another clause reads "owing to circumstances or conditions arising from the war," which, I presume, means to take into consideration their condition when the war shall have terminated. When the war shall be terminated, if it is terminated in favor of the side to which Belgium is a party, then they would go back. But the amendment would be inoperative under any circumstances so far as getting desirable citizens are concerned because of what I a moment ago said; the able-bodied in every walk of life are engaged in the war and will so continue to maintain the high standard held up by the Senator from New York and the Senator from Massachusetts. For that reason I can not see what we are going to gain except to bring from Belgium the decrepit, the old, and families whose heads and whose strong arms are engaged in the conflict.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. SMITH of South Carolina. I thank the Senator from Washington for allowing the interruption.

Mr. JONES. I thought the Senator from South Carolina was going to ask me a question or I would not have yielded, because I have only a word or two more to say with reference to this matter. I will ask the Senator from Massachusetts, however, a question as to what he means by agricultural immi-

grants, whether those who were engaged in agriculture before they come here or who come here saying that they intend to engage in agriculture.

Mr. LODGE. Those engaged in agriculture.

Mr. JONES. In their own country?

Mr. LODGE. In their own country.

Mr. JONES. It seems to me that there might be some question about it, and that if a person were brought here saying he expected to engage in agriculture and wanted to engage in it he would probably be allowed to come in.

Mr. President, I do not just like the idea of passing legislation here to help those who apparently have organized some society to bring people here for their purpose, confining our legislation by terms to simply cover the people they want to bring here.

If we are going to pass this legislation because of our sympathy for the Belgians and the condition they are in, then it seems to me we can not discriminate between two classes of Belgians, the mechanical working class and the agricultural class, and that the reasons so eloquently given by the Senator from New York apply to one just as well as to the other. If we are going to pass this legislation, let us make it apply to all the people of Belgium, who have suffered equally in this terrible struggle. I myself doubt the wisdom of passing it. I would not be inclined to oppose it as a general proposition, but with the limitation put in I shall certainly vote against it.

Mr. LODGE. Mr. President, we made these limitations because of representations made to me by those who are interested in helping those unfortunate people to come here and make a new start in life. But I am entirely ready to vote for that amendment if it gives the same right to all immigrants from Belgium under the conditions stated in the amendment. I do not mean the agricultural conditions, but the other conditions. I shall vote for it in any form. If I can not open the door to them all, I will open the door to a part of them.

Mr. MARTINE of New Jersey. Mr. President, the appeal for the Belgians strikes me very strongly. Thirty-five years ago there came to the neighborhood of my home town a family of Belgians by the name of Prosper Berkesman. They settled there in my community and afterwards went to Georgia. I think the Senator from Georgia will perhaps recall the name. They went into the culture of fruit on the most extensive scale and they made for themselves great fortunes and a great mark in that community. They brought with them a great retinue of thrifty Belgians to work on their farm, a farm of about 400 acres. Many of those Belgians still remain there. They are a splendid class of citizens, thrifty, honest, frugal, and marvelously industrious. So I should like to do that which I could for the Belgians. Yet my heart and soul are big enough to reach beyond just that little State of Belgium. Why not take in those from Germany, from whence I have said my mother came? I would like to add those in Alsace and Lorraine. Those Provinces have been ravished by this hateful and horrid war.

I should like to vote for the amendment of the Senator from Massachusetts; but I would suggest, as an amendment to it, to strike out the word "agricultural" and the words "from Belgium." Then it will take in humanity pretty completely.

It is remarkable to me how the Senator's mind seems to have changed. A day or two ago in the Senate the only test which was known to us was illiteracy—an immigrant must be able to read, and if he could not read, even though he was blessed with the form of Apollo, however desirable in the way of physique and general good health, all these things counted for nothing. He might be frugal, he might be honest and faithful; but if he could not read, that was the thing that should bar him out. To-day we learn that he is all right if he has the cash. Thrifty Massachusetts is still after money. Money is the desideratum. If you have the cash, I do not know who has the tract, but you will find that somebody in thrifty Connecticut or thrifty Massachusetts doubtless has the tract to sell to the Belgians. Now, when we have the cash, the purchase money, to pay for all these things, that is preeminent as against literacy—literacy counts for naught.

Now, my friend, I believe your heart is right; but, in all seriousness, if you want to aid down-stricken humanity who have been crushed beneath the heel of military despotism, whether it be in Belgium, whether it be in France, whether it be in Germany, or in the Provinces of Alsace or Lorraine, or in Russia's frigid zone, in Heaven's name, I ask you to strike out the word "agricultural." I am an agriculturist. I love the occupation and realize its great value to this land, but there are a million other avocations which are primarily necessary to the well-being of this country. Take the rich South, with its teeming acres that demand aid, the picking of cotton or the draining of swamps or

reclaiming worn-out land, and in a thousand ways a more liberal system of immigration will aid it.

So I say, my friends, with all earnestness, strike out the word "agricultural," strike out the words "from Belgium," and then go forth again and let our Statue of Liberty in the harbor of New York mean what it was put there for—a shining light, a beacon for the downtrodden and the oppressed from every clime with clean bodies, sane minds, honest, faithful purposes, and the rest we can leave to the assimilation of this wonderful country, this God-blessed land.

Mr. LODGE. Mr. President, I have no objection, as I have already said, to taking out the limitation as to agricultural immigrants or the limitation about the power to purchase lands which, of course, relates only to the relief of the assisted or the induced. The plan was not to plant it in New England. It is not a place to plant agricultural immigrants, I am sorry to say, except in a very few favorite places. The plan was to give them an opportunity in the still unoccupied lands of the South and West. But I am perfectly willing that the limitation should be taken off. However, I am not willing to take out the Belgium limitation. The whole purpose is to aid that particular unfortunate people who are adrift on the world without homes, without country, without a government. It has no meaning if it is broadened to cover the whole world.

Mr. TOWNSEND. Mr. President, I do not wish to criticize the generous spirit of humanity which moves Senators to offer this amendment. I sympathize with their feelings to the very limit. I am constrained to believe, however, that the possible complications and injuries to our own people and to the immigration law itself more than balance any probable good that can come to a few Belgians through this amendment.

That complications are involved in this proposition no thoughtful Senator will deny. Why the Belgians? Not because they are victims of dreadful war. Millions of other Europeans are similar victims. Are we not treading on at least questionable grounds, if indeed it is not dangerous, when we select a race from among belligerent races for special favors? It is intimated that Belgium has been outraged without provocation. Senators may so believe; the world may so believe; but Germany denies it. Are we to settle that question here? I am sorry that it has been raised.

The amendment annuls the prohibition against foreign contract labor. Where is this to end? It will surely rise to plague our country. And yet it is solemnly proposed to allow some men, organization, or corporation to contract with Belgian agriculturists to come into this country provided they purchase lands. Purchase where and of whom? Why agriculturists? Have not the farmers of the United States hard times enough that especial competition should now be forced upon them? There is no assurance, however, that these immigrants will remain on the farm, and everyone knows that we already have enough idle workmen.

I can not consent, Mr. President, to allow men to come in here to compete solely with farmers. I would not consent at this time to their coming in to compete with labor under existing conditions, because charity begins at home. Why, sir, we are amending our immigration laws for the benefit of our own people. We have quite a problem on our own hands at this minute, a big problem. Help the Belgians, as you ought. Every generous American is now helping that torn and distracted people, but in the meanwhile do not add to the distress of our own people. Do not complicate more our already perplexed foreign relations. Do not undermine our beneficent law against alien contract labor. At a time when a million idle, hungry American laborers are pleading for work in order that they may have bread, let us not add to their misery and despondency by legislating competition upon them. I must know more about this scheme of contracting with foreign laborers and be convinced of the magnitude of the proposed blessings to be conferred by this amendment before I can give it my support.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Georgia [Mr. SMITH] to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. MARTINE of New Jersey. I call for a quorum.

The PRESIDENT pro tempore. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Crawford	Fletcher
Bristow	Clapp	Culberson	Gallinger
Bryan	Clark, Wyo.	Cummins	Gore
Burton	Clarke, Ark.	Dillingham	Gronna

Hardwick	McCumber	Pomerene	Swanson
Hitchcock	McLean	Reed	Thomas
Hughes	Martine N. J.	Robinson	Thornton
James	Myers	Root	Townsend
Johnson	Nelson	Saulsbury	Vardaman
Jones	Norris	Shafroth	Walsh
Kenyon	O'Gorman	Sheppard	Weeks
Kerr	Oliver	Simmons	White
Lane	Overman	Smith, Ga.	Williams
Lee, Md.	Page	Smith, Md.	Works
Lewis	Perkins	Smith, S. C.	
Lippitt	Pittman	Smoot	
Lodge	Polindexter	Sterling	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. ROOT. Mr. President, I should be very glad to have a provision in the form and going to the extent suggested by the Senator from Georgia, but I fear that the objection that that would open the door to the introduction of contract labor in the future would imperil the whole provision.

Mr. SMITH of Georgia. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. ROOT. Certainly.

Mr. SMITH of Georgia. I sought the ear of the Chair, just as the Senator from New York rose, for the purpose of stating that I am so much in favor of what is embodied in the amendment of the Senator from Massachusetts that I am unwilling to jeopardize it by seeking to obtain what I would be very much gratified to see added by way of amendment. Therefore I wish to withdraw the amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Georgia withdraws his amendment to the amendment.

Mr. JONES. I desire to renew the amendment, in substance anyway. I move to strike out the word "agricultural" and all after the word "war" in line 6.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Washington [Mr. JONES] to the amendment of the Senator from Massachusetts [Mr. LODGE]. [Putting the question.] The "noes" seem to have it.

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

Mr. BRISTOW. Mr. President, as I understand the amendment offered by the Senator from Massachusetts, it is that exception be made from the exclusion rule of the bill for the Belgians who come here within a certain time to engage in the pursuit of agriculture. I can not see why they should be permitted to come here and engage in the pursuit of agriculture and not in other pursuits. That being the case, it seems to me that the amendment offered by the Senator from Washington [Mr. JONES] is entirely proper. If the bill is to be amended by the exception suggested, then it should not be confined to agriculture only.

There is no occasion to invite people of other countries to come here and engage in agriculture and agriculture only. I can not understand why such a proposition should be made. Because a man happens to be engaged in farming in Europe, and because of conditions that exist there he becomes in want and we offer our country as an asylum for him, why should not the man who happens to be engaged in some mechanical work, some manufacturing establishment, be invited to come here and find a home as well while the conditions which now oppress him exist?

Mr. JONES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. JONES. It has been suggested, I understand, that if the word "agricultural" is stricken out, leaving it broader, that that would bring it under the terms of the favored-nation clause. Does the Senator know of anything in that clause to limit it to agricultural people?

Mr. BRISTOW. No; I can not understand the purpose of inviting the people of a foreign nation to come here and engage in agriculture exclusively, and that is what it means. It seems to me it is a strange proceeding for the United States Senate to contemplate.

Mr. WALSH. Mr. President, it seems to me there is a very sound basis for the distinction concerning which the Senator from Kansas asks information. As I understand it, this law restricting immigration is particularly necessary by reason of the accumulation of people of foreign birth in the great industrial centers. The contract-labor law was originally enacted because those engaged in industrial pursuits in which large numbers of people were employed were in the habit of going abroad to obtain cheap labor and engage in those industries.

I suggested to the Senate a little while ago that we have some of those Belgian immigrants in my State engaged in agriculture. We hope that their number may be swelled very largely, indeed. We should like to hold out some inducement to come to our State to take up unappropriated lands owned by the General Government, as well as lands owned by the State. We do not want to subject ourselves to penalties that are generally imposed by this bill upon those who even offer inducements to people to come out.

On the other hand, Mr. President, the labor market, for instance, of the city of Butte, the chief industry of which is mining, is to-day glutted. We do not care to have the great mining companies in the city of Butte or the steamship companies that might be operating in connection with them offer any special inducements to bring other laboring men to the city of Butte in order to engage in competition with those employed there in the mines.

I suggest that simply to the Senator from Kansas as a very sound basis upon which to make a distinction between those who come here for the purpose of engaging in agricultural pursuits and those who come here to work for wages.

Mr. BRISTOW. May I inquire of the Senator from Montana why it is that the industrial center of Butte is congested with labor while the farms of Montana are not?

Mr. WALSH. It is chiefly because it has been regarded as more profitable, I suppose.

Mr. BRISTOW. Exactly. Then, it is more profitable to work in the other industries of the United States than on the farm. Make it as profitable to follow the business of farming in the United States as it is in other industrial pursuits and you will find there will be more farmers, but instead of that you are inviting foreigners to come here to engage in the least profitable of our industries and excluding them from the industries that have been the most profitable.

Because the American farmer has not an organization here to exercise political power to defend his rights you would flood him with competition from everywhere, from every part of the earth, but there are organizations in industrial centers that can protect those employed in the industries, that can protest against the crowding of their centers with the unemployed, then we can exclude them; but the farming population that has not the political organization to protect its rights is not protected, nor is an effort being made to protect it apparently by the American Congress.

Mr. McCUMBER. I wish to ask the Senator from Montana if it is any more an injury to the American public to create a surplus of labor in the city than it is to increase the surplus of the farming production? Both have a direct bearing upon the compensation for labor. We are already producing in the United States of every character of farm produce far more than we can use in the United States. We have a surplus of every single character of farm produce, and that surplus keeps the prices down except as it is now raised a little above the level because of the war conditions.

Then, if we have to protect labor against surplus because of its influence upon the value of labor, why should we not protect the farmer against more laborers upon the farm, who will increase his surplus of production and thereby diminish the value of his own labor?

Mr. WALSH. Mr. President, I shall be very glad to answer the Senator. There are quite a number of organizations in this country engaged in what seems to me a very commendable and praiseworthy effort to get numbers of people in the congested centers of the country to go out upon the farms. I think that ought to be encouraged.

Mr. President, I said some time ago that in all probability the mining center of Butte was congested rather than the agricultural districts, because those who went there thought it was more profitable. I do not agree with them. I think it would be eminently more profitable to them if they went out upon the farms. I rather sympathize with the Senator from North Dakota and with the Senator from Kansas, who are afraid, in the interest of the agriculturists of their own States, that their occupation is going to be overwhelmed with competition. I am very thankful that that sentiment does not prevail in my State at all. We are looking forward with a great deal of comfort to the time when our State will be annually producing, instead of 25,000,000 bushels of wheat, which it now produces, 100,000,000 bushels of wheat. I think I express the sentiments of the farmers of the State of Montana when I say that we are very desirous of having these people come here from Belgium in order to hurry the day when we shall have that production.

Mr. McCUMBER. Mr. President, I have heard this song of "back to the farm" ever since I have been in the Senate. It is an annual song, and its echoes never die, but I have never

yet seen any good result from it. Population will always drift to the center of the greatest remuneration for labor; that is a law that you can not change. Make farming pay as well as do other vocations and you will not need these laudable efforts of which the Senator is speaking to get people back to the farm. Our sons leave the farm and go to the cities because for a given amount of labor they can get greater remuneration and more enjoyment out of life. You fill your cities to overflowing, and you are compelled to pass your laws which will be for the general benefit of the city laborer as against the farm laborer because of the great surplus in your cities and the consequent high prices of living, and thus by this Jackscrew method every time organized labor raises its price it raises the price of everything that organized labor produces in the city. That again raises the prices of your rent and the things you must purchase in the city, and that again creates a higher price for your labor. So you are sending your prices upward and skyward all the time, while the unorganized farming element of the country can not raise the price of their labor to correspond with the constant increases in the prices of the articles which they are compelled to purchase.

The only thing that has helped the farmer out in the slightest degree this year has been the European war, which has created in the North a greater demand for foodstuffs, but which has injured the South just to the same extent that it has benefited the North by driving down the price of their principal product because of the lack of customers.

Mr. President, there are other vicious things in this proposition. First, you will pass the proposition to let the Jew enter as against the Christian in Russia. I never before heard that it was a particular crime to be a Christian any more than it was a crime to be a Jew, but you have provided that the illiterate Christian from Russia can not come in, while the illiterate Jew can come in. It would seem that the illiterate Roman Catholic from Italy is not a desirable citizen, but that the illiterate Jew from Russia is a desirable citizen.

Now, we are going a little further in this kind of one-sided political-play legislation to reach out and invite the Belgians into this country. Why not invite the Galicians? Galicia has been overrun and devastated by war; the Galicians are a good people; why not allow the Galicians, then, to come in if they desire to purchase farms in this country?

So Alsace has been overrun and devastated by war. Why not continue your beneficent legislation by declaring that the Alsations shall also be allowed to come in? Normandy, and indeed all of northern France, has been overrun and devastated. Why not allow those people in northern France, also in the theater of war, to come in and have an exception for their benefit? The people in eastern Prussia have suffered somewhat. Why not allow the Prussians to come in from the section which was devastated in the early part of the war by the Russian invasion, and why, then, not go a step further and open the door, just as it ought to be opened, and continue to keep it open just as we have done in the past?

Mr. President, I deprecate the fact that we should allow politics, sympathy, and everything else to influence us in this legislation by making exceptions for one section of the world and for another section of the world. These people are all Caucasians; the percentage of good people in the several sections does not differ to any appreciable extent. If we are going to close the doors against any section, let us close them against all; if we are going to open them, let us be, just as we have been in the past, the asylum for the persecuted, whether it be on account of religion or race or whether it be because of the environment and the lack of ability or opportunity to make a living in their own home country. These gates ought not to be closed in the face of any who would make good citizens, and we have enough in our law to keep out the bad ones.

It does seem to me, Mr. President, that it is almost an insult to our sense of justice to provide that the Belgian may come here to compete with the farmer, who makes on an average about 20 cents a day throughout the United States, when he can not compete with the bricklayer, who gets \$5.50 a day for eight hours' labor, thereby not only making your discrimination unjust against the farmer, but also making it unjust as between different nationalities.

I know that there is probably force enough back of this proposition to put it through, but I for one, having a sense of equal justice for all my fellow men and for all classes of American citizens as well as for foreign citizens, want to voice my protest against such one-sided legislation.

Mr. REED obtained the floor.

Mr. LANE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I yield to the Senator from Oregon.

Mr. LANE. I shall occupy but a moment if the Senator will allow me. I presume everybody in the world admires the Belgians. From the way they have fought their fight we love them, and no one would go further to do them a kindness, to be generous with them, than would I. I have that feeling, and I do not wish to vote against any proposition which might be beneficial to them; yet at the same time, if you will look at this amendment calmly, you will see that it proposes to pay a bonus of \$2,500 each, I am told, to the heads of families, farmers from Belgium, to come here and till the soil. I do not know who is to advance the money; but at any rate the Belgian comes here a good man and probably a good farmer—a man who will make a good citizen. He goes into competition with American farmers in their method of making a livelihood, while the farmers in the South, owing to the calamity of the European war, I am told, by the hundreds of thousands have been wiped out of business. The farmers on the Pacific coast who are in certain lines of industry—those raising hops and those raising fruit—have lost money; they are poor; they are hard up. Here we go and import a certain select portion of the Belgian people by a law which singles them out, and we bring them here backed with capital from Europe, and some, I am told, advanced by American citizens who wish to put a certain proportion of them into the South, where they are needed, I presume, in some ways, though not in the raising of cotton, I should judge, at this time; but they will come into competition with people who are already suffering from want from their efforts in agricultural lines.

I think the proposition ought to be broadened out. It is not quite a fair one; it is special legislation. There are a million men in America who are without work to-day, and a million women and children who have not too much to eat or to wear. We owe them also a little bit of consideration.

At the same time, as I say, I want to do all I can for the Belgians. I would much prefer at this time to make an appropriation out of the Treasury for the benefit of the Belgian people, whom I respect and admire, rather than in this circuitous method attempt to do an act of generosity at the expense of our farming community.

Mr. PITTMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, I simply desire to say a few words on this matter which is of vital importance to my State. The Senator from North Dakota [Mr. McCUMBER] asked the Senator from Montana [Mr. WALSH] why most of these immigrants were employed in the mining industry in his State. I want to state that a great many of them are employed in the mining industry in my State. I am perfectly familiar with the character of the people who are employed in that industry who come from foreign countries.

The reason why they come to this country and why they go into this particular character of enterprises is not entirely because those industries pay more than do others, but because the people who conduct those classes of enterprises in this country seek such labor. While there is a law against contract labor, there are many ways of avoiding it, even though the letter of the law is not violated.

We do know that such immigrants are invited here for the purpose of going into those enterprises in competition with American labor. They come here as laborers, whether they come under a contract before they start or with the knowledge that they will obtain a contract after their arrival. Those classes of people are not agriculturists. They have no knowledge of farms at all; they are not fit for farming when they get here. They simply enter into competition with our day laborers in this country; and the object of this legislation is to prevent that if it be possible to do so. Too great an influx of such immigrants also lowers our standard of living, and our object is to prevent that.

The Senator from North Dakota has said they will come in competition with the farmers of his State. He said that to-day we are producing more in this country than the country needs, than the country can use. That may be true; but the world is not producing more to-day than the world demands; in fact, the statisticians in every country admit that the supply is decreasing in proportion to the demand; and one of the greatest problems to be solved to-day, not only in this country but in every other country, is to increase the production of foodstuffs to meet the demands of the peoples of the world. The Senator can not take the demand of our own country solely because we ship our products to every country. I think he knows that the greatest problem that we have to-day is to reduce the cost of living for

the man who is existing on a fixed wage and a fixed salary. I do not think it is a broad stand to take to say that we will curtail the production of foodstuffs in the interest of any locality or of any community. The surplus over home consumption has been rapidly and steadily decreasing in the last few years, and our economists have warned us that in the near future we will have difficulty in supplying the domestic demand.

Mr. McCUMBER. May I ask the Senator from Nevada a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Dakota?

Mr. PITTMAN. I do.

Mr. McCUMBER. Is labor generally producing more than the world demands to-day any more than is labor on the farm? Does not the world demand the products of labor to a greater extent than it can possibly get to-day, the same as it is demanding the products of labor in the shape of food?

Mr. PITTMAN. There is not the same demand for physical labor in the manufacturing industries as there is to-day in the industries for the production of food.

Mr. McCUMBER. No; but is there not a demand for the product of that physical labor in the world to-day as much as there is a demand for food?

Mr. PITTMAN. If there were the same demand for it, there would be the same demand for manufactured products as for foodstuffs. I think that answers the Senator.

Mr. McCUMBER. I do not think it does, because I do not know that there is any great demand for our farm products to-day, except in one particular line. We find no great demand for our cotton, which is the product of farm labor. The conditions of the world at war have prevented the export and the consumption of that article, and the world is suffering to-day in labor circles because of the inability to export the products of that labor. We are all suffering from the same cause.

Mr. PITTMAN. The foreign demand exists to-day the same as ever. The supplying of that demand may be interfered with by artificial conditions, but the fact remains, and it is not capable of dispute, that the demand for foodstuffs is increasing at a greater ratio than the production of foodstuffs in the world; and the condition in the market to-day for meat and for wheat proves that beyond a doubt; and it does not require any argument whatever. Our own Department of Agriculture to-day is doing everything in its power to bring to the attention of this country—not only to the attention of legislative bodies, but to the attention of the people as a whole—the fact that something must be done to increase the supply of foodstuffs throughout the country.

Mr. McCUMBER. If the Senator will allow me, I want to ask him in regard to the statement that there is a greater growing demand for food products. Food products, such as wheat, flour, fruit, and everything of that character, have increased in quantity far beyond any other products in the world during the last 10 years. During the last 10 years in the United States alone we have increased over 50 per cent, and many other countries of the world, such as Argentina, have increased their production even 2,500 per cent in that time. There is, however, no product of labor that is increasing so rapidly throughout the world as are food products.

Mr. PITTMAN. I may say to the Senator that there is a growing tendency, especially on the part of people in the ordinary walks of life, to eat more wholesome food, and we want to uphold that standard of life.

I desire to say to the Senator, also, that while the production of wheat in the world may have increased and the production of meat may have increased, the consumption of meat and the consumption of wheat have increased in proportion. If that were not so, then the price of wheat and the price of meat would not be so high to-day that the ordinary man working for ordinary wages can eat meat but on rare occasions.

Mr. McCUMBER. If the Senator will allow me once more, I have had occasion to examine food statistics quite closely, because my State is exclusively an agricultural and food-producing State; and, as a matter of fact, the amount of consumption of wheat per capita in the United States is going down all the time instead of increasing.

Mr. PITTMAN. Is that on account of the price?

Mr. McCUMBER. A few years ago it was 8 bushels per capita; now it is down to a little over 5 bushels per capita. Of course the size and capacity of the human stomach has not changed a great deal; but we are getting more of the imported products, such as fruits and articles of that kind, than we used to get, and are varying our table diet a great deal more than we used to do 20 or 25 years ago. As a matter of fact, while the principal food products are increasing in quantity beyond

any other products in the world, the amount of consumption is actually going down.

Mr. BRISTOW. Mr. President—

Mr. PITTMAN. Mr. President, let me answer the Senator from North Dakota, and then I will yield to the Senator from Kansas.

Mr. McCUMBER. The Senator does not think that the farmer in times of peace, for instance, has been getting too much for his farm products, does he?

Mr. PITTMAN. I think he has been getting an adequate price in comparison with what other classes of people of this country have been receiving for the products of their labor.

Mr. McCUMBER. Well, the Senator, I am afraid, has not lived in a food-producing State for the last two years—

Mr. PITTMAN. Not exclusively.

Mr. McCUMBER. Or he scarcely would have made that assertion. Taking the price of this labor that you are now defending—and I certainly want to defend labor and I want to defend the farmer alike—as a matter of fact, he was getting less, until the war broke out, in increased food products six or eight months ago than he had been getting through all of the years past, except a few years from 1893 to 1897.

Mr. PITTMAN. Mr. President, before this war commenced, or before it was even suspected, our Agricultural Department was warning the people of this country that there was danger of a shortage in foodstuffs, not only in this country but throughout the world. They were urging all kinds of economies in agriculture and teaching advanced methods of farming for the purpose of meeting that very condition. The price of foodstuffs had already risen. The situation is here. The Senator may live in an exclusively agricultural State; he may be satisfied to see the prices of foodstuffs go up so high that only a few people can eat them, so that he may benefit his people. We have farmers in our States as well as other characters of labor, and I would not do those farmers the injustice to say that they wanted to prevent the tilling of the land of this country to enhance the value of their foodstuffs. That was the argument used by the Senator from North Dakota. He opposed letting these men in because he did not want a bigger surplus of foodstuffs in this country; and that may be the issue. That is the issue that he laid down.

I want to say that the farmers of our State are not in favor of restricting the production of foodstuffs in this country. They want to increase them; and while the Senator from North Dakota states that there has been no increased capacity on the part of men to eat, I want to say that there has been an increase in desire for better food and an increased use of such food by those who could afford it. Such food should be in the reach of all.

Mr. BRISTOW. Mr. President—

Mr. PITTMAN. I want to know whether or not the Senator understands the condition under which some of the laborers of this country are compelled to live and the kind of foodstuffs that they are required to eat?

Mr. BRISTOW. I should like to have the Senator name some of the food products that the farmer is getting excessive prices for, or has received excessive prices for, during recent years?

Mr. PITTMAN. I will answer the Senator about that. I will take my own State for illustration. In our State they are to-day getting in the neighborhood of 15 cents a pound for meat on foot. You remember what it was a few years ago. If not, I can tell you that a few years ago they were not getting 4 cents a pound. It is not so much a question as to whether that price is excessive as to whether the supply will continue to decrease and the price increase.

Mr. BRISTOW. Will the Senator please state the character of meat that is selling on foot at 15 cents a pound? Will the Senator please tell us what live animals are selling at 15 cents a pound in Nevada?

Mr. PITTMAN. They are getting 15 cents a pound.

Mr. BRISTOW. For what?

Mr. PITTMAN. For calves.

Mr. BRISTOW. For veal?

Mr. PITTMAN. Yes; for veal.

Mr. BRISTOW. Will the Senator please state what other food products except veal are bringing an excessive price?

Mr. PITTMAN. Beef, mutton, pork, and vegetables are proportionately high. If the Senator wants to know more, I will refer him to the Agricultural Department at Washington to determine that question.

Mr. BRISTOW. Why not refer it to the market where the farmer sells his products?

Mr. PITTMAN. I will tell you why. I do not want to go into a statistical argument with the Senator upon this subject, because the whole world knows it; because everybody out

through this country to-day is crying out on account of the high cost of living; because the Democratic Party, if the Senator please, has promised to attempt to reduce the high cost of living, and the Republican Party has admitted the high cost of living, and throughout this country it is a fact denied by none.

Let me say to the Senator that while the cost of foodstuffs has increased in accordance with the law of supply and demand, the cost of labor, which is fixed by wage and by salary, does not advance in the same proportion, because there is a restriction upon it that is harder to overcome. I wish simply to finish this by saying to the Senator that we have in our State land that is capable of producing crops, but we have not the people to cultivate that land. The people of our State are satisfied with their enterprises and are engaged in those enterprises, but our State has invited the world to come there and utilize some of the richest of lands that can be found in any State. California to-day, through its chambers of commerce and big institutions, is inviting farmers to come and take up that land. Throughout all the West, where the land is not all taken up, they are inviting farmers to come in and occupy and cultivate it.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. In just a second. They are inviting them to come out there and take up land. They are not inviting men that are not agriculturists and farmers; they are not inviting the class of people who know nothing about it to do that work; but they do want their land farmed and they do want good farmers to take up those lands.

I am satisfied with the Belgians; I think their history denominates them as a people worthy of becoming citizens of this country. This bill leaves it to us to determine whether or not their intentions are to become farmers, whether they are farmers, and whether they intend to become citizens. I would be willing to have them come, and also the people of any other of the big civilized countries of the world, for that purpose. I know that we want them out there; we want to increase the products of our State; we want to reduce taxation by it; and we want to enable the people who live in that State and in this country to be able to enjoy the products of this country at a reasonable rate. I now yield to the Senator from California.

Mr. WORKS. Mr. President, the Senator from Nevada has referred to conditions in California. That matter has been agitated in my State very lately. Some of the civic organizations in that State have gone to the extent of sending out warnings against any laborers coming to California, because there are more laborers there now than can secure jobs. Many of them are out of employment.

We can very well sympathize with the Belgians; we do, all of us; but we have no right, Mr. President, to invite the Belgians or to allow them to come in here as laborers, if each one of them is going to displace an American laborer, and that is precisely the condition that would exist in my State. We do not need laborers in California any more than they do in Montana or in Nevada, but we do need farmers and farm hands. We are usually short of labor of that kind; but it will be a misfortune to the State of California if there were to be any considerable influx of labor immigrants from Belgium or elsewhere.

Mr. PITTMAN. Mr. President, the amendment that I am discussing now is limited exclusively to those who are farmers and who come here for the purpose of becoming citizens and engaging in farming enterprises.

Mr. WILLIAMS. And purchasing land.

Mr. PITTMAN. And purchasing land. I am opposed, as is the Senator from California, to bringing into this country hordes of laborers. I have always been opposed to it. His State does not need them; our State does not need them; we have already enough, if not too many, of that kind. What we need is another class of laborers who understand farming, who understand producing foodstuffs for the class of labor that we already have. That is all that this amendment applies to; and I think that the Senator's State does want agriculturists; I know that our State wants agriculturists.

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. PITTMAN. With pleasure.

Mr. CRAWFORD. Do I understand that this amendment, as it is now proposed, only admits Belgian agricultural laborers who are to become purchasers of land?

Mr. PITTMAN. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed.

The SECRETARY. On page 12, line 18, after the word "guests," it is proposed to insert:

Provided, That the provisions of this act relating to the illiteracy test, contract labor, or induced or assisted immigration shall not apply to agricultural immigrants from Belgium who come to the United States during the course of the present European war, or owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come prepared to purchase land in the United States and become American citizens.

Mr. CRAWFORD. Mr. President, I do not want to take the Senator's time, but if he will permit me I should like to say that I am not in agreement with the position taken by the Senator from North Dakota and the Senator from Kansas. I come from an agricultural State, and one of the very serious things with which the farmers of my State have to deal is the question of securing farm hands; in fact, I think that in a great part of this country one reason why farms are abandoned and untilled is that it is impossible to secure farm hands. They are in the factories; they are working eight hours a day in the towns; they are accustomed to quit when the hands of the clock reach a certain place on the dial; they do not like the 12-hour labor they are required to perform on the farms.

I regret that the change was made here requiring that these people shall be purchasers of land. One thing we want, I think, through the agricultural regions of the West is these sturdy sons of Belgium who are suffering from the disasters of the war, who have been deprived of everything they have on earth except their strong hands, and who might be glad to come here and go out on these farms and perform the work for which there is such a great demand.

If the Senator will permit me just one word further, I wish to make this observation: In my State, at least, for a number of years we have maintained, out of the liberal appropriation made by the State legislature, a bureau called the commission of immigration. One of the purposes of that commission is to present the claims of our State as a successful agricultural region to the worthy settlers in Europe for the purpose of having them come into our midst and increase the number of the tillers of the soil in our State and cultivate lands that are now idle.

I do not take the view that it is against the interest of the farmers in the West to encourage the bringing in of worthy immigrants who will make good farmers and open up new fields, and, more than that, the bringing in of a class of farm labor that is so largely demanded by the farmers themselves.

I would gladly support this amendment if the provision requiring these people to be purchasers of land were stricken out of it.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. I yield the floor. I have said all I desire to say.

Mr. JONES. I just want to suggest to the Senator from South Dakota—

The PRESIDING OFFICER. The Chair feels obliged to recognize the Senator from Kansas.

Mr. JONES. Will the Senator from Kansas yield to me for just a moment?

Mr. BRISTOW. I yield to the Senator from Washington.

Mr. JONES. I just want to suggest to the Senator from South Dakota that the word "purchase" was put in here awhile ago because it seems that there has been some association or organization formed that apparently proposes to advance money to these people or sell them lands; and they will probably take a mortgage at a pretty high rate of interest from these people whom they know to be industrious and sober and temperate people, and probably will keep them in a sort of state of peonage for 4, or 5, or 6, or 8, or 10 years.

Mr. CRAWFORD. I am not in favor of any such thing as that.

Mr. WILLIAMS. Nothing like that is proposed.

Mr. SMITH of South Carolina and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Kansas yield, and to whom?

Mr. BRISTOW. I yield to the Senator from North Dakota.

Mr. McCUMBER. I simply wanted to answer the Senator from South Dakota.

Mr. REED. Mr. President, I thought I had the floor and had yielded to the Senator from Nevada. I have no desire to take anybody else off the floor.

The PRESIDING OFFICER. The Chair is unadvised that the Senator had the floor.

Mr. REED. Very well.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BRISTOW. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to say to the Senator from South Dakota that upon his first proposition, as to which he said he was not in agreement with the Senator from North Dakota, he finds himself entirely in agreement. I did not say anything against agricultural laborers coming into this country. We would welcome them. We need them.

Mr. CRAWFORD. I may have misunderstood the Senator.

Mr. McCUMBER. We can not get them; but this amendment does not provide for agricultural laborers. It provides for those who come here with money enough to purchase a farm. It does not say how big the farm shall be or how little it shall be. It may be an acre or it may be a thousand acres—whatever the Secretary thinks should be the standard.

Mr. CRAWFORD. I understood the Senator to object to worthy Belgians who might come over with the money in their pockets and desire to purchase one of our South Dakota or North Dakota farms. I am sure our people would welcome them with open arms.

Mr. McCUMBER. There is good ground for objection on that line; but the main objection I made was that we seek to create a surplus of farm products and to bring in all of those who produce farm products, for the very purpose of driving down the value of those products by reason of the surplus, while at the same time we study to keep out the farm labor that we need to produce them. That is the viciousness of this proposition.

Mr. CRAWFORD. I will say to the Senator that that danger is very remote. I have not felt that we were in any very great danger that we were going to have too many farmers, too many farm hands, too many rich acres under cultivation producing too much food, because it would reduce prices. I have seen nothing to create great concern upon that score.

Mr. McCUMBER. When I was selling grain for a little over 50 cents a bushel before this war commenced I recognized that difficulty. When oats had gone down to 22 cents a bushel and farm labor was \$3 a day, I found there was some difficulty along the line of making ends meet. When barley, which costs us over 50 cents a bushel to raise, was only bringing 32 cents a bushel, I found some difficulty in selling enough barley to pay for the labor.

The Senator says we need to take up our farms. That would enrich the State; it would make more taxable property than we now have, and it may be very laudable to get more farmers into our State; but the fact exists, nevertheless, that if we are compelled to hire all the labor upon the farm, under conditions outside of this abnormal war condition, we can not pay the labor and raise enough upon our farms to keep them running. I know something about that, because I have tried it; and I tried it for a number of years until I found that I would have to leave the acres uncultivated because we could not get the labor to take care of it at prices we could afford to pay.

Mr. CRAWFORD. I should like to see a lot of good Belgian farm hands out on the farms in my State.

Mr. McCUMBER. Where the farmer himself, who lives off his farm, does his own work, and his child less than 14 years of age does a man's work, or a woman's work, he will exist; but if you had the same rules applying to his labor that you have in the cities in regard to child labor, and the number of hours of labor, every one of them would be in bankruptcy in six months.

Mr. BRISTOW. Mr. President, the Senator from Nevada [Mr. PITTMAN] speaks of the congestion in the labor centers, and the Senator from South Dakota [Mr. CRAWFORD] refers to the absence of labor on the farms. The Senator from North Dakota [Mr. McCUMBER] complains that the farmer can not make a profit in his business because of the price he has to pay for labor.

The remarks of these three Senators point out a very serious economic situation, in my opinion, in the United States. If, as has been remarked, the wages paid on the farm the year round were as much, for the same amount of work, as the wages paid in the cities the American boy to-day would not be leaving the farm and going to the city. That is as true as any axiom. The reason that the American boy leaves the farm is because there is no profit in working on the farm.

What is the condition within a radius of 100 miles of this Capitol to-day? There are thousands and tens of thousands of laborers on American farms east of the Allegheny Mountains who are working for a dollar and a quarter a day and boarding themselves.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. CLAPP. I think that statement must be taken with some qualification. These men are usually provided with habitations, so that the question of rent does not concern them. They are almost invariably allowed a certain part of the product of the farm itself.

Mr. BRISTOW. I beg the Senator's pardon. He is entirely mistaken. I am not referring to that class of labor which lives on the farm and is furnished a house and other perquisites. They do not get a dollar and a quarter a day. They get a dollar a day or less.

Mr. CLAPP. Many of them get a dollar and a quarter a day.

Mr. BRISTOW. Well, concede that they get a dollar and a quarter a day. Suppose they get a dollar and a half. The Senator can not mention a farmer within a hundred miles of the Capitol at Washington who is paying for day labor to-day more than a dollar and a half a day in the field, and the laborer boarding himself, in his own house, independent of the farm.

Mr. CLAPP. No; but the Senator from Minnesota can demonstrate that a man on a farm, working for a dollar a day and boarding himself, is better off than a man in the city who tramps the streets for work. I say the Senator is mistaken in the economic principle underlying the discussion. It is not the fact that the boy gets more in the city, but there is something about the city that attracts and allures; there is something in the very matter of the aggregation of population that draws. I am in hearty sympathy with the Senator's provision, but we have got to go deeper than that.

Mr. BRISTOW. Mr. President, I dislike to disagree with my friend from Minnesota, but I utterly disagree with him. It is more attractive to live in the city, under the electric lights, when you get paid \$4 a day for eight hours or when you get paid fifty, sixty, or seventy-five dollars a month for eight hours' labor; and when you offer that to the American youth in lieu of a dollar and a quarter a day and boarding himself or a dollar and a half a day and boarding himself and finding his own lodging he will take the \$4 a day or the fifty or sixty or seventy-five dollars a month and live in the city. But, conversely, if you will pay the people who live in the cities and work in the factories or work in the stores a dollar and a quarter a day and let them board themselves or give them \$4 a day to go on the farm, they will flock to the farm and not to the city.

Mr. CLAPP. You could not get them to the farm, with the allurements of the city, if you were to drive them there with a bayonet.

Mr. BRISTOW. The Senator is entirely mistaken. He does not understand the American farmer and the American youth.

Mr. CLAPP. I am not speaking of the American farmer. I am speaking of these people who throng the cities. To-day men do not have to walk the highways among the farms looking for work. They are walking the highways in the cities looking for work. If you talk to them and urge them to go on the farms, they will tell you "No; they were not born to be farmers." There is the trouble, and we may just as well face this question. There is something in the thought of people gathering in cities that allures people there. They think the city life is superior. The moving pictures are one thing, the street crowds are another, and so we might go on down the list. They seem to think there is something superior in city life; but, low as farm wages are, the average man working for wages on the farm is doing better with his wages.

You can not solve the economic problem in this country on this basis. I quite agree with the Senator that we do not sufficiently encourage farming. I quite agree with him that the farmer, not being represented here in an organized, concrete force, does not get his share of the legislative pork barrel; but, for all that, we have got to go back of that condition to find the solution of this problem.

Mr. BORAH. Mr. President—

Mr. BRISTOW. Just a minute; I want to reply to my friend from Minnesota, and then I will yield to the Senator from Idaho.

Mr. BORAH. I thought perhaps I could adjust this matter.

Mr. BRISTOW. With due respect to the opinions of my friend from Minnesota, which I always respect, his remarks just made are an actual slander on American character and the American farmer and youth. He does not come to the city to go to the picture shows. He comes to the city because he gets better wages in the city than he does on the farm.

Mr. CLAPP. Mr. President, I can not submit to that suggestion. I am not speaking of the farmer boy. I am speaking of the boys and the men who throng the cities.

Mr. BRISTOW. But why does the farmer's boy leave the farm and go to the city? He leaves the farm and goes to the city because he gets better wages in the city for less labor and can buy more of the comforts and luxuries of life with the wages he gets. The reason why the farmer does not pay better wages than are paid by the street car companies and the corporations and the employers of labor in the city is because he can not sell his product for enough to justify paying more wages.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Is the Senator from Kansas now prepared to yield to the Senator from Idaho?

Mr. BRISTOW. I yield to the Senator from Idaho.

Mr. BORAH. I wanted to make a suggestion which, it seems to me, may have some bearing upon this matter and upon matters which are coming up later.

During the last five years over 500,000 American farmers have left American farms and have gone to acquire lands in Canada. At the same time that has happened we have had tied up in our Western States a territory as large as New England and Maryland and Virginia combined, which has as good soil as ever lay outdoors. When we get around, after a while, to considering the bills dealing with that subject, I hope our farmer friends will bear in mind that it is not only a case of the boy leaving the farm and going to the city, but, under our public-land laws, we are driving the farmer to take oath under another form of government and to claim protection under another flag.

Mr. BRISTOW. Mr. President, as I was proposing to say before I was interrupted, the naked facts are that, with all the sentimental propaganda that is going on, with the slogan of "Back to the farm," the reason why the American boy, with his intelligence and his education, does not continue to farm and follow the vocation of his father is because he can not make as much money, he can not get as good wages on the farm for the same amount of labor. Why, the ordinary farm hand in the United States is working now for from twenty to thirty-five dollars a month, depending upon the locality in which he lives; and what does he do? He is up at 5 o'clock in the morning, and he starts out to feed the stock and attend to what the farmer calls "the chores." By daylight he is out at work in the field. He works until it is dark, and when he has done his farm work and gets in he has put in from 12 to 14 hours a day.

Mr. JAMES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Kentucky?

Mr. BRISTOW. In just a moment. For that he gets less than half what the average laborer gets in the cities for doing half as much work. The American boy with some intelligence concludes that he can get more money for his labor in the city than in the country; and he goes to the city and leaves his poor old father, who has been on the farm all his life, to stay there and hire the best man he can get to take his place.

I now yield to the Senator from Kentucky.

Mr. JAMES. I want to call the attention of the Senator from Kansas to a statement that I understood the Senator from North Dakota to make—that the farm laborers in his State are getting \$3 a day.

Mr. BRISTOW. They get that in harvest time and press seasons; yes.

Mr. JAMES. Apparently the farmer can afford to pay that price.

Mr. BRISTOW. He can not afford to pay it. If the Senator from Kentucky is familiar with the farming regions of his own State and other States, he knows that the American farmer to-day, if you will eliminate the price of wheat because of the unusual condition in Europe now, is not making as much on his wheat as he did years ago. The facts are that until this war broke out in Europe the farmers of the United States were selling their wheat at a loss. The Senator from Nevada has mentioned one product of the farm that is bringing a high price, and that is veal; but the average American laborer does not eat much veal.

Mr. PITTMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. BRISTOW. I do.

Mr. PITTMAN. I will say that he not only does not eat much veal, but he does not eat much meat of any kind, with the present price of meat. But let me ask the Senator one other question. Is the Senator contending that the farmers are not prosperous?

Mr. BRISTOW. I am contending that the farmer is not making as much money, outside of the increased price due to this

war, as he made years ago, and that farm products are now a drug on the American market.

Mr. PITTMAN. I should like the opinion of the Senator as to whether or not the farmers are prosperous at this time.

Mr. BRISTOW. Why, they are in certain sections of the country; yes.

Mr. PITTMAN. Are they prosperous in Virginia?

Mr. BRISTOW. Not very; no. They are very prosperous in Kansas.

Mr. PITTMAN. They are prosperous in Kansas?

Mr. BRISTOW. Yes.

Mr. PITTMAN. The reason why I asked the Senator if they were prosperous in Virginia was that I was informed there had been a number of farms purchased in Virginia recently.

Mr. BRISTOW. Probably there have been. I do not know.

Mr. PITTMAN. And I had an idea that probably that was true. But the farmers are prosperous in Kansas?

Mr. BRISTOW. Yes.

Mr. PITTMAN. If the farmers are prosperous in Kansas, are they not able to pay good wages to their laborers?

Mr. BRISTOW. The farmers are prosperous in Kansas since this war broke out and the price of wheat went up 40 cents a bushel. Until the war broke out they were selling their wheat for 60 cents, which was less than cost. The Senator can not mention a single farm product that sells for an excessive price when it leaves the farm. I will say that veal sells for an abnormally high price for some reason, due to the fastidious tastes of certain American people, but the great majority of the products of the farm are not bringing an excessive price as they leave the farm. They are down in the market. They are a drug upon the market. The farmers outside of the wheat-growing region, where there is an excessive price for wheat now, caused by the European war, are selling their stock, from the poultry to the fat steer, at a reduced price and a lower price than they have been able to get for them for years.

Mr. PITTMAN. Beef, mutton, pork, hay, grain, hides, and wool were higher in 1913 and 1914, before the war commenced, than they were in 1911 or 1912. Is it not a fact that the buying of good agricultural land at the present time is recognized as a good investment?

Mr. BRISTOW. It is not.

Mr. PITTMAN. It is not?

Mr. BRISTOW. No, sir; and if the Senator is informed, he knows that agricultural lands are now a drug on the market.

Mr. PITTMAN. When and where did that happen? It certainly is not true in our State.

Mr. BRISTOW. It has been happening ever since the present Democratic administration came in. [Laughter.]

Mr. PITTMAN. Why, the farming industry prior to the war was so active that even some of our Senators were called back to the farm. Does not the Senator know that a great many persons have been purchasing farm lands in the last year? As a matter of fact, 10,000,000 acres of land were patented up as homesteads in this country during the last year. Does not that indicate that the farming industry is a prosperous one?

I know Senators right in this body who, within a very short time, have purchased farms throughout this country. Probably the fact has come to the attention of the Senator himself that they have been purchasing farms throughout this country. Is it not a fact that the records of the manufacturing industries show that the farmers all over this country to-day are indulging in the luxury known as the automobile? Is it not a fact that the great financial institutions of this country are to-day reporting greater prosperity among the farmers than among any other character of people in this country, and was not that so prior to the European war? I know it was so in my State.

I do not think the Senator will deny that that is the situation; but he says the young men are leaving the farm for the city. Probably that is true. The Senator from Minnesota has given very fairly the probable reason for that. If the young men who are raised on the farm prefer to enter other kinds of business pursuits, then does it not become necessary, if we want our lands cultivated, to hunt up those farmers who do want to farm? That condition exists. The young men who are raised on the farms will not do as their fathers did—buy land near home and start farming. They go to the cities. It makes no difference why they go to the cities; they do not follow the agricultural pursuits of their fathers.

What we are faced with is this problem: We have good land to produce products for this country. We want it to produce, because the country needs those products. We can not get the sons of our farmers, as the Senator says, to take up those lands. Now, we simply invite an intelligent, high-class agricultural people, who are driven out of their own country by war, to come

over here and help cultivate our land, increase its productive-ness, add to the wealth of our country, and relieve our people from the burden of an insufficient supply of foodstuffs. That is all we are asking.

Mr. BRISTOW. I live in a part of the country where a great many immigrants have come from Europe in the years that have passed and settled upon farms. They were farmers and they made good citizens, and, being of German and Norwegian birth, they are frugal and prosperous as a rule, and their children adapt themselves to American institutions and American habits. They belong to that race which has developed and made our country what it is, coming from that section of Europe from which most of our ancestors came. Their children, as soon as they are educated and as soon as they arrive at the age of maturity and begin to do for themselves, follow the same example that the American boy follows—he whose ancestors and parents have been in this country for a longer period—they go to the cities, where they get better wages and where life is easier.

It is a false economic proposition to say that you can bring men who know nothing about an American farm and put them on the farm and conclude that because they are farmers they are going to farm. To get men to farm you have got to make farming attractive to the American people.

The bone and sinew of American life is in the agricultural class. Indeed, I do not believe a republican form of government can exist unless the rank and file of the population of the country is an agricultural population. They are the most conservative, they are the most intelligent, as a rule, in exercising the duties of citizenship; and when you substitute for the American farmer a foreign population similar to that which now congests our industrial centers you have done an irreparable injury to American citizenship. Indeed, in my opinion, it would be fatal to the institutions of our country if the real character of the American farmer were changed, and when by legislation it is proposed to break down still further the agricultural interests of our country by throwing it wide open, not only competing in the markets of the world and the markets of his own country with the products of every other country on earth, without any protective-tariff duties such as has the manufacturing products. You now make the American farmer compete in the markets of his own country and the world with every other farmer on earth. Not satisfied with that, it is proposed to invite the foreign farmers to come here and sit down side by side with the American farmer and in time put him out of business by competition even more severe than he is now compelled to meet in the markets of his own country by foreign farmers. These foreign farmers will bring with them the standard of living of the foreign peasant.

Such legislation as is proposed in this amendment is an injury and an outrage to the American agricultural interests of the country. We say we want farm hands. The way to get farm hands is to pay them better wages; and you can not pay them better wages unless the farmer can get more for the products of his farm than he gets to-day.

Mr. DILLINGHAM. Mr. President—

Mr. BRISTOW. I yield to the Senator from Vermont.

Mr. DILLINGHAM. I should like to inquire of the Senator from Kansas what is the rate of farm wages in Kansas?

Mr. BRISTOW. It ranges from \$25 to \$35 a month.

Mr. DILLINGHAM. Does that include board?

Mr. BRISTOW. In some instances, it does; in others, it does not.

Mr. DILLINGHAM. I mean generally speaking.

Mr. BRISTOW. Generally speaking the wages would be \$25 or \$30 a month.

Mr. DILLINGHAM. What would the Senator estimate that would amount to per month, everything included?

Mr. BRISTOW. I should think \$40 to \$45; but wages in Kansas are much higher than in many other sections.

Mr. DILLINGHAM. Will the Senator permit me to make a statement?

Mr. BRISTOW. Certainly.

Mr. DILLINGHAM. I think the most discouraging feature of modern immigration has been the fact that while probably 90 per cent of the 15,000,000 immigrants who have come to this country in the last few years are either common or farm laborers, it has been an impossibility to get them to go to the rural communities and take positions upon farms. In the investigation which the commission made in the industries of this country they picked out certain races to see what they were getting. I find that of the Polish, Slovak, South Italian, North Italian, Hungarians, Lithuanians, Croatians, Greeks, Ruthenians, and Bulgarians, the average that they received yearly was \$391.90,

which is less than the farm laborer is getting, according to the statement of the Senator from Kansas.

I have been convinced from my investigation of this subject that it would be decidedly better for the men who have always lived in agricultural regions and done agricultural labor if, when they come to this country, they would go to the agricultural communities and take employment on the farm, where they could live comfortably and where they would be vastly better off financially and in physical comfort and in advantages generally, than to go to the cities.

But I find with our view of distribution, with every effort we have made under the law, with all the encouragement that has been given by States to invite them to do so, it has been absolutely impossible to encourage immigrant laborers to the rural communities. Where we have in some instances secured men to go on farms and work, they would work for a single season, then they would become lonesome. They want the companionship of their own race, and they go to some central locality where the people of that race live and enjoy the same language and enjoy the same methods of living, and where, briefly stated, they can find those things that are more agreeable to them.

It is a deplorable fact that they all go to the cities. All experience shows that where the first colony of a particular race goes there all the rest go. They follow them as sheep follow a bellwether. Take the whole history of immigration and you will find that that is the fact.

With the growth of our manufactures more of this modern immigration came from eastern and southern Europe, and where the first colonies from south Italy, or from any of the Balkan States, Russia, or Austria-Hungary went, those from the same neighborhood have gone to the same place, and they have followed it right along year after year, and it has been almost impossible to turn them.

I was interested to test that matter. I found by having a record kept in Ellis Island for a whole year that more than 80 per cent of all the immigrants who came in during that year had in their possession when they landed railroad tickets taking them from New York to the point of their destination in the United States. They had been in correspondence with their brothers, their cousins, their relatives in this country, and they were going where their brothers or other relatives had gone. In 80 per cent of the cases they reported the fact that they were going to join friends. It has seemed utterly impossible to turn them. I think a large proportion of them had been agricultural laborers, but it was utterly impossible to induce them to go into country districts and become segregated one from another and work among the farmers. That is a discouraging problem. I do not know how we are ever going to bring it about.

I think the wages paid in Kansas to-day to the laboring men are altogether better than the wages paid to the men I have mentioned, where they are working in the basic industries of the country. I do not think there is the slightest danger of their going into the States and competing with agricultural labor or reducing their products.

But I am opposed to this amendment. I agree with the Senator from Kansas. I do not believe that we ought in any way to break down the contract-labor law at the present time, as is provided.

Then, too, what does the amendment mean? It says "contract labor, or induced or assisted immigration, shall not apply to agricultural immigrants." What does that mean? It does not mean farm owners. The broad application of it would be farm laborers, so that they may come in very freely.

Mr. McCUMBER. That is not the end of the sentence. If the Senator will read the whole of it, he will see that it is those who are agriculturists who come here for a certain purpose, not to work as agricultural laborers. If the Senator will read it through, he will see that that is what it does.

Mr. DILLINGHAM. Those "who come to the United States during the course of the present European war or owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come prepared to purchase 'or take up' land in the United States and become American citizens." Come prepared to do that? How are we going to determine that question?

Mr. CLAPP. The word "purchase," I understand, has been adopted.

Mr. DILLINGHAM. Instead of "take up"?

Mr. CLAPP. I made a notation of a motion to reconsider that language which has already been adopted by the Senate.

Mr. DILLINGHAM. I can see no use for this amendment. I quite agree with the Senator from Kansas, although I base

my opinion upon reasons perhaps different from those which seem important to him.

Mr. BRISTOW. If the Senator from Vermont will pardon me for breaking into his statement, I think the reasons for the condition which the Senator describes as to the destination of the immigrant that he answers the question himself. It is an element of human nature, I think, that men like to associate with those of common origin and common language and common views. We are a social animal and we must mingle with each other. It is perfectly natural that the foreigner coming to this country, a strange country, among strange people, should want to get among his own countrymen.

Mr. DILLINGHAM. That is true; they follow the racial instinct.

Mr. BRISTOW. It is impossible for him to have that social relation in the farming regions of our country that he has in the densely populated region in Europe from which he comes, because our conditions are so different. So he will not go on an American farm as a farm laborer. He might go for a little while, but he will get lonesome and go to the city.

Mr. DILLINGHAM. If the Senator will permit me, he will not go there as the purchaser of a farm. The great bulk of these men have been common laborers in countries where it was impossible for them to purchase the soil. They have not the instinct of purchase or of independent action, becoming factors as managers of farms. They are simply common farm laborers working for a small per diem. I do not think the particular immigration I speak of come to this country with the thought of becoming possessors of farms. I called attention the other day in speaking on the subject to the fact that during the last 10 years we received about 5,000,000 immigrants from Russia and Austria-Hungary, and yet the census of 1910 shows that of those classes less than 1 per cent were found to be managers of farms or tenants. It shows that they will not come here with the purpose of acquiring farms. They have not been educated to the ownership of farms. They have not the instinct of ownership or of securing ownership. So they go, as the Senator has said, where they can live in colonies under circumstances agreeable to them and get a rate of wages that is infinitely above what they are getting at home. That is about the statement upon which I based my idea as to the causes of the movement of immigration.

Mr. BRISTOW. The foreigners whom the Senator has been describing came to this country because they thought they could better their conditions, and they go to these centers where they can be with their own people and where they can get employment.

Mr. DILLINGHAM. If the Senator please, they do just what they have done all their lifetime, work for wages.

Mr. BRISTOW. They work for wages and get enough to live on comfortably.

Mr. DILLINGHAM. And be employed.

Mr. BRISTOW. But this discussion has proceeded upon the theory that it is necessary to get into this country some producing classes that will bring down the cost of living.

The Senator from Nevada [Mr. PITTMAN] laid great emphasis upon the promises of the Democratic Party to reduce the cost of living, and he offers as an argument this amendment, by which means the price of farm products may be reduced.

If the Senator will give his attention to the real evils that result in the high cost of living, he will look some place else than at the American farm. I remember, when my family left home this fall, a remark I heard made was that the price of eggs was 21 cents a dozen at home. When they arrived in Washington, a distance of some 1,200 or 1,300 miles, the price ran from 50 cents to 55 cents a dozen. Why this difference? That represents the toll which is exacted between the farmer and the consumer. That is the way the high cost of living comes in. It is not because of the high price the farmer gets for his products. I remember, as every Senator here who has reached the half-century mark remembers, when wheat was \$2 a bushel. Before this war began wheat west of the Mississippi River averaged about 60 cents.

The price of living is not due to what the farmer gets for his product. If the farmer in America to-day had to pay the same wages for labor that are paid in the cities, there is not a farmer who would not go bankrupt in a year; he could not run his farm. He has got to work day by day with his own hands from 12 to 14 hours a day, and if by reason of superior intelligence or excessive industry and hardship, which he voluntarily undergoes, and the most frugal living, at the end of 20 or 25 years he is able to buy a cheap automobile, then he is held up to the American people by Members of the United States Senate as a plutocrat who deserves to be injured by importing foreigners to compete with him in his line of business.

As I said before, you not only throw down every bar that would protect the price of his products from foreign competition, but you now propose to undertake to further reduce the price of his products by opening wide the gates and permit all kinds of labor that will compete direct with him to come in. But you bar out the laborers that would compete with the labor of the manufacturing or industrial centers.

I know that the American farmers are not organized into a concrete organization to have representatives in the National Capital who can go to committee rooms of Senators and make certain demands and, if those demands are not met, enforce them by votes cast in mass at the polls. The farmer is an independent, hard-working citizen, the bone and sinew of American life, who has been the butt of legislation by special interests from the beginning, and it seems never too late for the American Congress to go directly after him in any effort they make to reduce the cost of living. They try to reduce the price of what he produces, but do not attack the influences and the combinations that exploit him and multiply the price of his product after it leaves the farm. That is the spirit which permeates and controls in the legislation that is now proposed, and I denounce it as unjust.

Mr. CRAWFORD. Mr. President, I desire to offer an amendment to the amendment by striking out of line 8 the words "prepared to take up land in the United States," or, as I think it now reads, "to purchase land in the United States," and insert "with intent to engage in the work of agriculture," so that it will read:

That said Belgian immigrants come with intent to engage in the work of agriculture in the United States and become American citizens.

The PRESIDENT pro tempore. The Senator will please send his amendment to the desk, and the Secretary will state it to the Senate.

The SECRETARY. After the word "come," in line 8, strike out the words "prepared to purchase land" and insert "with intent to engage in the work of agriculture," so as to read:

If it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come with intent to engage in the work of agriculture in the United States and become American citizens.

Mr. CRAWFORD. Mr. President, it seems to me that this amendment, as proposed by the Senator from Massachusetts [Mr. LODGE], does not mean what is desired by those who would like to see these Belgian immigrants get out on our farms as farm laborers or even as farm purchasers, because to say that they must come prepared to purchase farms does not even necessarily imply that they will use the money for any such purpose. As I construe the amendment as proposed, it gives ground for a suggestion that some organization, perhaps in the East, will furnish the funds, and without being subject to the prohibitions of the contract-labor clauses of the law, they will get these people over here and have them under contract labor; and where they may go and what they may do after they arrive here will be a matter of conjecture.

I am not anxious to serve any such purpose as that; but I can say, so far as all my observation in the West and in the agricultural regions is concerned—and I have spent all my life there—that the one great and serious problem everywhere in the northern part of the Mississippi Valley region is to secure farm labor. I know well-to-do men, prosperous farmers, who are past middle age, who are working like slaves, because it is absolutely necessary for them to do so in order to have their fields cultivated, because they can not get labor out there. Take the poor Belgian, stripped of everything in the world but good health and strong arms and horny hands, and if we could get him out into my State on the farm, working for some man like the men I have mentioned, it would be a blessing both to the farmer and to the Belgian immigrant.

I do not believe such immigrant ought to be excluded because he does not show that he has sufficient cash in his pocket or on deposit in the bank which will enable him on his arrival to purchase a farm. I believe, considering the conditions in Belgium, which we want to alleviate, and the condition of our western farms, where labor is so sorely needed, and considering the character of the immigrants, who have made a paradise in their own country in the cultivation of the soil, that we ought to give them an opportunity as farm laborers, although they may have nothing, although neighbors or associations of farmers out there may have to send their transportation to them so as to have them come to this country and to go out and engage in farm labor without being purchasers of farms.

Mr. LODGE. Mr. President, will the Senator from South Dakota allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Massachusetts?

Mr. CRAWFORD. Certainly.

Mr. LODGE. I wish to understand the Senator's proposed amendment. Is it to take out the words "contract labor"?

Mr. CRAWFORD. I have not put those words into the amendment which I have offered.

Mr. LODGE. I see the Senator has struck them out.

Mr. CRAWFORD. I have not done so in the amendment which is now before the Senate.

Mr. LODGE. But the Senator has not yet offered the amendment?

Mr. CRAWFORD. No; I was going to offer the amendment as another matter entirely, to strike out those words unless the Senator from Massachusetts can give me some satisfactory reason why they should remain in the amendment.

But the point which my proposed amendment to the Senator's amendment reaches, and the only point it reaches, is that the Commissioner of Immigration, or whatever the name of the officer may be, shall be satisfied upon inquiry that the Belgian immigrant comes with the intent to engage in the work of agriculture; whether as a farm hand or as a farm purchaser is not the material thing.

Mr. LODGE. I agree with the Senator from South Dakota about that; his amendment enlarges and liberalizes it; and, so far as I am concerned, I am very glad to modify my amendment by adopting the Senator's language in reference to engaging in farm labor, instead of being prepared to purchase land. I think it is better.

The PRESIDENT pro tempore. The Senator from Massachusetts accepts the amendment suggested by the Senator from South Dakota, and it now constitutes a part of the pending amendment.

Mr. LODGE. I also desire to modify my amendment by striking out the words "contract labor."

Mr. CRAWFORD. I was going to propose that as another amendment. I did not want to have one involve the other.

The PRESIDENT pro tempore. The question is on the amendment as modified.

Mr. CLAPP. Mr. President, I desire to offer another amendment before the vote is taken on this amendment. I confess that in the almost 14 years during which I have been here I have seldom referred to sections of the country or to different classes of occupations. Unless a measure can be justified upon some principle, I do not think it should be incorporated in legislation at all. One day we spend our money like water in this country employing commissions on the part of States to induce people to come into those States to take up farms and go to farming. The next day we are told that it will not do in an act of Congress to permit farmers to come here, because it will bring a great many additional farmers in competition with our farmers who are here. Somewhere in the world-wide equation we have got to meet in competition all of humanity.

It is true that in one sense the Belgians have suffered more in the controversy in Europe than have any other people; but there are thousands of people in Europe who are the unfortunate victims of the war, over which they have no control, for they do not yet seem to have grown to that point where they can turn their arms against tyranny. In consequence they are now turning them against one another, and they have no control over this awful war; they are being destroyed, so far as property goes, by the war; they are being rendered homeless by the war. I can not understand, Mr. President, why we should single out a particular class of people, a particular nationality or race in this theater of destruction in Europe.

This amendment proceeds upon the theory—and there can only be one theory in the mind of the author of the amendment—that we are letting down what has been insisted upon here as a test of immigration, the illiteracy test; we are letting it down as a favor, out of sympathy to those who are unusually distressed under war conditions. So far as the Belgian is concerned, by the literacy test those who are qualified can come in under the present terms of the law; but this takes down the bar of illiteracy as to the Belgians upon the ground that those people have become the subjects of our sympathy and of the asylum principle of our immigration laws. I understand, Mr. President, that the contract-labor provision has gone out, and that the provision requiring purchase of land has also gone out?

The PRESIDENT pro tempore. The Senator from Minnesota is right about that.

Mr. CLAPP. The insertion of the provision requiring the purchase of land shows how nearly the Senate comes at times to violating fundamental principles. We have a measure here designed to reach an afflicted people, and yet for a while it was the solemn decision of the Senate that it should apply only to that class of Belgians who did have something, who were able to come here and establish with the means of purchase at their command new homes upon our soil. Fortunately that provision

has gone out. We still have this narrow thought, beginning in this amendment, that it shall be limited only to the people of Belgium. If there is any reason on earth why we should take down the literacy test as to the Belgians, the same reason applies to any other of the people who are distressed by the awful war in Europe.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. With pleasure.

Mr. CUMMINS. I rise purely for information, not to antagonize the argument that is now being made by the Senator from Minnesota. This amendment, as it has finally been reduced, is limited to the exemption of the Belgians from the literacy test of the proposed statute.

Mr. CLAPP. And the "assisted-immigration" provision.

Mr. CUMMINS. What is the proportion of illiteracy among the Belgians? I am inquiring as to that because I want to know how many people this provision would let in who could not come in under the law as it is now proposed in the bill of the committee.

Mr. CLAPP. I presume the number is very slight indeed; but the amendment is a recognition that there are people in Belgium who can not pass the necessary literacy test, to whom, on account of their distressed condition, we should open the door, provided they come here proclaiming their purpose to be farmers.

Mr. CUMMINS. In order to prepare the way for another question, I should like to ask the chairman of the committee what is the proportion of illiteracy amongst the Belgians? [A pause.] The chairman of the committee seems to be absorbed in some weightier subject, and I will ask the Senator from Massachusetts or the Senator from Vermont.

Mr. LODGE. It is very low, but I can not lay my hand now on the figures.

Mr. DILLINGHAM. I have not those figures in my notes, but it is very low, indeed—among the lowest in all of Europe.

Mr. SMITH of South Carolina. Mr. President, I beg the Senator's pardon; I was not giving close attention at the time; but the percentage of illiteracy amongst the Belgians, according to the latest figures we have, is 12.7.

Mr. LODGE. It is very low.

Mr. CUMMINS. Twelve per cent; so that of a thousand Belgians who might come in here there would be something like 120 who might be unable to read or write. It therefore appears that we are trying to make this exception to the general rule to accommodate and relieve that very small number of people who might come in from Belgium. I only rose to indicate that, in my opinion, the controversy is a tempest in a teapot.

Mr. CLAPP. Mr. President, I quite agree that, like many other matters, it is a tempest in a teapot. We get far afield here; we raise false and imaginary issues; we have stirred up the country on the literacy test; but I do not believe that as yet one person in a hundred throughout this country knows that we have taken from the literacy test the exemption which recognizes the asylum principle in our immigration laws. But that does not alter the case. If we should extend now this favor to illiterate Belgians because illiterate Belgians have without their fault been placed in a terrible condition we should recognize that same principle as to all other nations during the continuance of the present European war, because of circumstances or conditions growing out of the war. The Pole, whose land to-day is likewise being war swept by this awful war, also needs our sympathy, if we are going to indulge in sympathy, just as much as does the Belgian. The people of the other countries and sections which are liable before this storm is over to be devastated just as badly as has been the country which we call Belgium are entitled to the same consideration. What I am trying to urge is that we get away from the eternal talk of this section or that section, this class or that class, and deal with general principles in legislation.

Mr. CUMMINS. Mr. President, may I say to the Senator from Minnesota, lest he may have misunderstood me—

Mr. CLAPP. No; I did not misunderstand the Senator.

Mr. CUMMINS. That that was my very purpose in rising. To accommodate or convenience a very few unfortunate Belgians, it seems to me that we are about to wreck a general principle.

Mr. CLAPP. The point that I was discussing was not deflected by the suggestion of the Senator; I was dealing with the general proposition.

Mr. JONES and Mr. O'GORMAN addressed the Chair.

Mr. CLAPP. I yield a moment to the Senator from Washington.

Mr. JONES. I wish to suggest to the Senator from Iowa and to the Senator from Minnesota that the amendment as it now stands is still further limited to agricultural Belgians, and not to Belgians generally.

Mr. CUMMINS. Yes; I intended to remark something upon that. I think the provision is utterly unworkable and impracticable. No human being can determine what an "agricultural immigrant" is.

Mr. TOWNSEND. Or how long he will remain an agricultural immigrant.

Mr. CUMMINS. I assume that that is meant to describe a former condition; that is, a condition in the country from which he comes. Will you say that a boy who has worked three months or six months on a farm at some time in his life is an agricultural immigrant? It is to me absurd, and can never be put into operation.

Mr. O'GORMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New York?

Mr. CLAPP. With pleasure.

Mr. O'GORMAN. I do not desire to intrude any remarks regarding the pending amendment further than to correct a statement inadvertently made a moment ago, that the percentage of illiteracy in Belgium is 12. The fact is, according to latest statistics, that the percentage is 8.5.

Mr. CLAPP. Still less, then.

Mr. SMITH of South Carolina. Mr. President, I have before me from the department a table bringing the averages up to the end of the fiscal year 1913. That table gives the illiteracy in the country of origin, and of the population of Belgium over 10 years of age it is 12.7 per cent. Those figures, as I understand, were obtained through the Bureau of Immigration here in Washington.

Mr. O'GORMAN. My authority for the statement I have just made is the World Almanac and Encyclopedia for 1914, a publication which is generally regarded as accurate and trustworthy. In that book it is stated that the percentage of illiteracy is 8.5.

Mr. CLAPP. Mr. President, be that as it may—

Mr. BRISTOW. Will the Senator yield for a moment?

Mr. CLAPP. With pleasure.

Mr. BRISTOW. May I inquire if there is not a difference in the basis of the computation as between the Senator from New York and the Senator from South Carolina? Was not the Senator from South Carolina speaking of the Belgians who came to the United States and was not the Senator from New York referring to the Belgians as they live at home?

Mr. SMITH of South Carolina. The table gives the figures for illiteracy in country of origin; it gives the population over 10 years of age; gives those countries in which there is compulsory education; gives the percentage of illiteracy by the countries from which immigrants come; and in Belgium the percentage of illiteracy is given as in the country of origin at 12.7. The basis of calculation is population over 10 years of age; that is all I know.

Mr. CLAPP. Mr. President, the fact remains that we are holding out here a favor born of sympathy. We are reaching a hand out through the literacy test and extending it only to the people of Belgium. Of course, I can understand how the people of that country have aroused the interest of the world; but the people of Belgium are situated, so far as their homes may be destroyed, their property destroyed, and their families broken up, just as the people of other parts of the war zone of Europe are situated. We extend the asylum principle through the wall of the illiteracy test to the unfortunate in one land. I believe we should extend it to the unfortunate in others. For that reason, Mr. President, I move as an amendment in lines 3 and 4 to strike out the words "from Belgium," in line 5 to strike out the word "or," and in line 8 to strike out the word "Belgium," so that it will read:

Immigrants who come to the United States during the course of the present European war owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said immigrants come—

Under the amendment recently adopted—

declaring their purpose to become farmers.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. REED. Mr. President, the amendment offered by the Senator from Minnesota is an improvement, I think, on the original amendment; but for the life of me I can not understand why the benefits of this amendment should be extended only to farmers or farm laborers, which is now proposed. I do not understand why it should be limited to Belgians. I am going to vote for it, in whatever way it is necessary to vote for it, because it is an enlargement, a broadening of this bill; but

what the Senator from Minnesota has said in regard to the condition of these people is absolutely correct.

There is a difference between the Belgian Government's situation and the German Government's situation and the English Government's situation. There is a different issue presented there, but it is an issue between Governments. The Belgian Government insists that it was in a condition of absolute neutrality and that without having raised its finger its territory was invaded, and that is true; but, Mr. President, when you go beneath that mere technicality this is what you find: The German Government states: "We invaded Belgium because our own country was about to be invaded." The French Government states: "Our country was invaded." The Frenchman says: "My country was invaded and my home was destroyed," just as the Belgian citizen makes the same statement.

Now, this is a bill for the relief not of Governments but of people. The Frenchman's home having been destroyed, he is in just as helpless a condition as the Belgian whose home has been destroyed. The French individual had no more to do with bringing on this war than the Belgian individual had to do with it. Neither did the individuals of either of those nationalities have any more or any less to do with bringing on the war than the German citizen. He had nothing to say about it. His Government began a war, and if his home is destroyed and if it is therefore necessary for him to find harbor elsewhere, he should have the same privilege.

What was said by the Senator from New Jersey in regard to Alsace-Lorraine is equally true. What did the people of that country have to do with saying whether or not there should be war? If we are to extend hospitality and charity to the individual, it ought to reach all individuals similarly situated, regardless of the technicalities which spring out of the relations of the government or which particular Government first struck a blow. Moreover, if we are to have regard to the humanity of it, let us see how that will work out for a moment.

The Belgian finds his country taken away from him. The touching and eloquent words of the Senator from New York [Mr. Root] found a response in my heart, as they do in the heart of every man who thinks rightly and feels rightly. The Belgian's home was taken away. He was without fault, and, mayhap, he can never return to that home in safety. But if you turn to Alsace-Lorraine you will find there a condition where the farmer's fields have been destroyed; his home has been burned; his condition is equally pitiable. He is equally without offense, and, mayhap, when this war is over, he will find it unsafe to return to his home, as does the Belgian. If Germany shall succeed in holding that country, how many of the Alsations will be brought to trial and possibly to severe punishment? On the other hand, if France shall hold that country, how will she deal with certain citizens, particularly of German birth, who may have been inhabitants of that country and who may have warred against her?

I do not know; I do not undertake to say; but I do know that war is a very cruel thing. I do know that when the passions of men are aroused revenges are likely to be taken. I need not call the attention of men from the Southland, who passed through the reconstruction period, to the truth of that statement.

So all these people, as peoples, are without fault. Each of the Governments claim that it is without fault. The people, at least, are without fault. They never voted a war. They never brought on a war. When the war is over somebody is going to suffer, and somebody is suffering now.

We find ourselves called upon to aid and assist. Millions of dollars have been sent from this country to assist the people on the other side. We are about to pass a bill that prohibits assisting immigrants to come to these shores; that prohibits the immigration of men because they can not read and write. The proposition contained in the amendment of the Senator from Massachusetts is that we shall except the Belgian from the literacy test and from the assistance clause. I say that it ought to be extended also to the Alsatian, who is just as good a citizen as the Belgian, in my opinion; and possibly to the German, for Germany may find her fields are overrun before this war is over. Why not to all of these people?

Mr. President, I am not acquainted with the parliamentary situation; but I propose to offer the amendment I am about to read, and if it is not now in order I shall offer it when the proper parliamentary situation presents itself. I want to ask the Senators' attention to it carefully, because I believe it meets all these objections, and I do not believe it is objectionable on the ground that it will permit a general influx of foreigners. It is as follows:

The provisions of this bill relating to illiteracy or assisted immigrants—

Not contract laborers; now—

shall not apply to immigrants who come to the United States during or within one year after the close of the present European war, owing to circumstances or conditions arising from the war: *Provided*—

Here is the safeguard—

The Commissioner General of Immigration shall find as a fact that the immigrant is otherwise qualified—

That is, that he has the health, the condition of mind and body and character required by the bill—

and that he is attached to our institutions, intends to become a citizen of the United States, and that the immigrant will not become a public charge.

The PRESIDENT pro tempore. The Chair will state to the Senator from Missouri that the amendment is in order.

Mr. REED. I thank the Chair. Now, that does not indiscriminately admit them. It does not give them the privilege of coming as of right. They must convince the Commissioner General of Immigration that they are coming here well intentioned to our Government; that they are not going to be public charges; that they are sound in body and sound in mind and sound in morals; but it gives him the privilege of permitting them to come, provided they can show all of these things, and that they will not become public charges. In a word, it permits societies, organizations, and individuals to send over to those countries to furnish the means to bring those peoples here and to provide temporary assistance for them when they are here, either upon farms or in any other place, and provides that when those facts are shown the Commissioner General of Immigration can allow these people to come in. He can very easily stop any attempt to break down the protection of our immigration law, because it is vested in his discretion.

Mr. President, I think that opens the door to all alike, and yet I do not think it opens the door wide enough to flood this country with undesirables. I offer that amendment.

Mr. LODGE. If the Senator will allow me, I have no objection to the proviso in his amendment. It is needless, however, because the provisions to which the exception is made are named. If he wants to make sure that the other provisions which are named in his proviso are retained, he only has to add, after the word "immigrant," the words "otherwise eligible."

Mr. REED. That is already in the amendment.

Mr. LODGE. "Otherwise eligible"? Well, that covers everything. There is no need of the proviso, then.

Mr. REED. No, Mr. President; the proviso does have an important effect. Let me read it:

Provided, The Commissioner General of Immigration shall find as a fact that the immigrant is otherwise qualified and that he is attached to our institutions, intends to become a citizen of the United States—

That is new, is it not?

Mr. LODGE. That is new; yes.

Mr. REED (reading):

And that the immigrant will not become a public charge.

That also is new.

Mr. LODGE. Oh, no; "otherwise eligible" will cover that.

Mr. REED. Well, "otherwise eligible." Under the law as it stands, and without this amendment, the immigrant who has a certain amount of money can come here. There are no questions asked. It is presumed that he is self-sustaining. This requires an affirmative finding. There is that distinction. There is the further distinction that under the law as it is framed in this bill an immigrant would be held to be not self-sustaining, possibly, who might be permitted to come in under this measure.

To illustrate, suppose an immigrant were to come here destitute—without any money. He would be turned back as a pauper under our present law, but under this bill if the Commissioner General of Immigration should find that a society or organization was going to receive him, going to provide him with work, or going to put him on one of these farms that the Senator said some society contemplated arranging for, then the Commissioner General of Immigration would be warranted in finding that the man would not become a public charge.

So I think there is a very considerable difference between this amendment and the other one.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. The Senator from Missouri will please send the amendment to the desk, and the Secretary will state it to the Senate.

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Let the Secretary state the amendment.

Mr. CUMMINS. I rise to ask the Senator from Missouri a question, not to debate his amendment.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. Does the Senator from Missouri understand that his amendment would except these immigrants from the operation of section 6 as a whole?

Mr. REED. No; I do not understand that it would. I did not intend that it should. I meant that it should cover just what is stated—that is, the assistance of an immigrant. It would permit the assistance of an immigrant coming under these conditions. He would not be turned back because he had been assisted, and he would not be turned back merely because he was illiterate.

Mr. LODGE. Of course, if the Senator's amendment has the words "otherwise eligible," that covers section 6 and all the sections.

The PRESIDENT pro tempore. Let the Secretary state the amendment to the Senate; then Senators will better understand how it applies. The Secretary will read it.

The SECRETARY. The Senator from Missouri proposes, in the nature of a substitute for the amendment offered, the following:

The provisions of this bill relating to illiteracy or assisted immigrants shall not apply to immigrants who come to the United States during or within one year after the close of the present European war owing to circumstances or conditions arising from the war: *Provided*, That the Commissioner General of Immigration shall find as a fact that the immigrant is otherwise qualified, and that he is attached to our institutions, intends to become a citizen of the United States, and that the immigrant will not become a public charge.

Mr. GALLINGER. Mr. President, I will ask the Senator from Missouri just what process will be used to determine whether an immigrant is or is not attached to our institutions. We all remember the old story about the man who landed on our shores, and they asked him his politics, and he said he was "agin the Government." Now, just how we are going to find out whether or not a man who comes here from Belgium or Poland, or any other part of the civilized or uncivilized world, is attached to our institutions is beyond my comprehension.

Mr. CLAPP. It is done every day.

Mr. REED. May I answer the Senator?

Mr. GALLINGER. Yes; I should like to have my question answered.

Mr. REED. It is the question that is ordinarily put in every court when an alien is seeking naturalization; it is the usual legal phraseology; and it means to call for the ascertainment of the question of fact whether or not the individual comes here well disposed toward the Government.

Mr. GALLINGER. But that question is not put to all the other immigrants who come in.

Mr. REED. I understand.

Mr. GALLINGER. The Senator cites the case of a man who goes before a court to be naturalized. After he has been a resident of the United States presumably for four or five years he might well have some knowledge of our institutions; but how these ignorant people coming from abroad—and many of them, in fact most of them, are ignorant of our system of government—can answer that question intelligently, or why they should be asked to answer it, I do not quite understand. Of course, however, I care nothing about it. I am going to vote against all of these propositions to open the doors to the people whose situation has been discussed this afternoon. Unfortunately, I was detained in the Committee on Appropriations and have not heard the debate, but I have a general idea of the ground it has covered. Inasmuch as I am going to vote against all amendments and against the proposition itself, of course I am not very much concerned about this; and yet it does strike me as being rather an extraordinary condition to impose upon these immigrants, if they are to be admitted at all.

Mr. REED. Mr. President, the amendment which the Senator from Massachusetts introduced contained a provision to the effect that they intended to become citizens of the United States. Of course they could not become citizens of the United States unless they were well disposed toward this country. They would have to show that to a court, and that is involved necessarily in the proposition contained as the Senator from Massachusetts drew it. In writing the amendment I simply included that phraseology. It is not difficult however to understand or to apply. The Commissioner General of Immigration being confronted with the fact that a thousand refugees were coming here, let us say, from Belgium, and that they were being assisted by some society of kindly disposed people, and, therefore, that they would be barred under the general provisions of the immigration bill, would have to make it his business, through himself or his agents, to inquire where these people came from, what kind of people they were, are they criminals or are they anarchists, do they believe in government, are they coming here to be good, law-abiding citizens? He would satisfy himself in

that way, and he would satisfy himself whether they intended to come permanently and to become citizens, and having satisfied himself he would waive the literacy test.

Now, the Senator from New Hampshire [Mr. GALLINGER] would say to the man who could not read or write, "No matter how sound you are in body, no matter how you are in mind, no matter how much patriotism there may be in your heart, no matter though you have stood and fought for your home and fireside and wife and children, no matter though you have gone into the red jaws of death, I will send you back because you can not read and write." The Senator from New Hampshire would not do any such thing if it was put to him as an individual proposition, because he is too kind-hearted a man.

The PRESIDENT pro tempore. The question is on the adoption of the substitute offered by the Senator from Missouri [Mr. REED] to the amendment of the Senator from Minnesota [Mr. CLAPP].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment offered by the Senator from Minnesota to the original amendment.

Mr. CLAPP. Before the vote is taken I want to add one clause to it. The amendment of the Senator from Massachusetts seems to me to be somewhat deficient, "owing to circumstances or conditions arising from the war." It means that they may come after the war has closed, I take it. So in my proposed amendment, line 5, I would insert, after the word "war":

Or within one year after the termination owing to circumstances and conditions arising out of the war.

Mr. LODGE. I have no objection to putting in that limitation of time, but I do object to the other.

Mr. CLAPP. Then I will take them one at a time.

Mr. LODGE. Let it be read.

Mr. CLAPP. First, I move to amend by inserting, after the word "war," in line 5, "or within one year after its termination," so as to read:

During the course of the present European war, or within one year after its termination, or owing to circumstances or conditions arising from the war.

The PRESIDENT pro tempore. The amendment to the amendment will be agreed to unless there is objection. The Chair hears none, and it is agreed to.

Mr. CLAPP. Now, the one objection that might have been made to the amendment of the Senator from Missouri was that it broke down the distinction between those who were to come here ostensibly as farm laborers or farmers eventually and those who might come indiscriminately for all classes of work. So I will offer the amendment which I first proposed, in lines 3 and 4, to strike out the words "from Belgium," and in line 8 strike out the word "Belgian."

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Minnesota to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the adoption of the amendment of the Senator from Massachusetts [Mr. LODGE].

Mr. SMITH of South Carolina. Before the question is put I wish to make merely one statement. This debate has developed the fact that practically all who oppose the amendment have advanced the idea that it is dangerous, and those who have advocated it have taken the trouble to explain wherein in their opinion it would not jeopardize the continuity and the effect of the bill as well as jeopardize us with foreign countries. I hope all those who are in favor of the pending bill being held in its present form will vote down all these amendments.

Mr. POINDEXTER. Mr. President, I move to strike out of the amendment offered by the Senator from Massachusetts the words "the illiteracy test."

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Washington to the amendment.

Mr. POINDEXTER. In this connection I should like to say I fail to see how the war would have any bearing upon the ability of anyone who otherwise might be admitted by this amendment to pass the literacy test. The war has been of very short duration, and the country particularly affected by this amendment has one of the best systems of public schools of any country in the world, and while we may on account of the unusual circumstances in which Belgium is situated extend the so-called asylum principle to some extent through sympathy, or modify the restriction so as to allow organizations in this

country to assist and solicit the immigration of those people, there is nothing peculiar about the situation which would justify us in striking out the literacy test contained in the bill. If there is virtue in that test as it stands in the bill, there is virtue in the same test applied to this particular class of people.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER] to the amendment.

Mr. POINDEXTER. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the adoption of the amendment as amended.

Mr. CUMMINS. I ask that it be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment as it now stands.

The SECRETARY. On page 12, line 18, after the word "guests," insert:

Provided further, That the provisions of this act relating to the illiteracy test or induced or assisted immigration shall not apply to agricultural immigrants from Belgium who come to the United States during the course of the present European war or within one year after its termination owing to circumstances or conditions arising from the war, if it is shown to the satisfaction of the Commissioner General of Immigration that said Belgian immigrants come with intent to engage in work of agriculture in the United States and become American citizens.

The PRESIDENT pro tempore. The question is on the adoption of the amendment. [Putting the question.] The yeas appear to have it. The yeas have it.

Mr. LODGE. Let us have the yeas and nays.

The PRESIDENT pro tempore. We have been making a very liberal application of our rule. The Chair will not seek the benefit of it. Is the call for the yeas and nays sustained?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is unavoidably absent from the city. In the absence of that Senator I withhold my vote.

Mr. BRYAN (when Mr. FLETCHER's name was called). I desire to state that my colleague [Mr. FLETCHER] is detained from the Senate on business of the Senate. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I explained the situation Thursday, and feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. VARDAMAN (after having voted in the negative). I have a general pair with the senior Senator from Idaho [Mr. BORAH]. I transfer that pair to the Senator from Louisiana [Mr. RANDELL] and allow my vote to stand.

The result was announced—yeas 34, nays 22, as follows:

YEAS—34.

Brandes	Lee, Md.	Pittman	Swanson
Bryan	Lodge	Poinexter	Thomas
Burton	Myers	Pomerene	Thornton
Clapp	Nelson	Reed	Walsh
Crawford	Norris	Root	Weeks
Hughes	O'Gorman	Simmons	Williams
James	Oliver	Smith, Ga.	Works
Johnson	Overman	Smith, Md.	
Kern	Perkins	Sterling	

NAYS—22.

Ashurst	Gore	McCumber	Smith, S. C.
Bristow	Gronna	Martine, N. J.	Townsend
Chamberlain	Hardwick	Page	Vardaman
Cummins	Jones	Robinson	White
Dillingham	Kenyon	Shafroth	
Gallinger	Lane	Sheppard	

NOT VOTING—40.

Bankhead	Culberson	Lippitt	Shively
Borah	du Pont	McLean	Smith, Ariz.
Brady	Fall	Martin, Va.	Smith, Mich.
Burleigh	Fletcher	Newlands	Smoot
Camden	Goff	Owen	Stephenson
Catron	Hitchcock	Penrose	Stone
Chilton	Hollis	Ransdell	Sutherland
Clark, Wyo.	La Follette	Saulsbury	Thompson
Clarke, Ark.	Lea, Tenn.	Sherman	Tillman
Colt	Lewis	Shields	Warren

So Mr. LODGE's amendment as modified was agreed to.

Mr. POINDEXTER. I offer an amendment to the amendment just adopted.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. Strike out the word "Belgian" and insert in lieu thereof the following—

The PRESIDENT pro tempore. The amendment has just been adopted, and the amendment to the amendment can not be offered as in Committee of the Whole.

Mr. POINDEXTER. I wish to make a parliamentary inquiry. Can it be done in the Senate?

The PRESIDENT pro tempore. It can.

Mr. POINDEXTER. I reserve the right to offer the amendment in the Senate. I ask to have it stated at this time.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. The Senator from Washington [Mr. POINDEXTER] will propose in the Senate the following amendment:

Strike out the word "Belgium" in the portion just agreed to and insert in lieu thereof:

Any country whose territory has been violated contrary to the provisions of articles 1 and 2 of the convention respecting the rights and duties of neutral powers and persons in war on land, ratified between the United States of America and other powers on February 23, 1909.

Mr. JONES. I ask unanimous consent to present for printing and reference to the committee an amendment to the legislative, and so forth, appropriation bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of South Carolina. I object.

The PRESIDENT pro tempore. Objection is made. The bill is still as in Committee of the Whole and open to amendment. If no further amendments be offered, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. POINDEXTER. I now offer the amendment of which I gave notice.

The PRESIDENT pro tempore. The Senator from Washington submits an amendment, which will be read.

The SECRETARY. On page 12, in the amendment agreed to, line 1, after the word "guests," strike out the word "Belgium" and insert:

Any country whose territory has been violated contrary to the provisions of articles 1 and 2 of the convention respecting the rights and duties of neutral powers and persons in war on land, ratified between the United States of America and other powers on February 23, 1909.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. Mr. President, I only desire to say a word in regard to the amendment. I am very much inclined to think that, so far as its actual operation is concerned, the amendment of the Senator from Massachusetts, which has been discussed so long and which was adopted, will be a perfect dead letter.

A short time ago in the tariff bill we undertook to incorporate a provision discriminating in favor of American ships. When it came to put it into operation we were confronted by the objections of foreign countries based upon our treaties. Similar objection will undoubtedly be made to this amendment under what is commonly designated as "the favored-nation clause." The result of that objection would not be that immigrants from other countries would be admitted because those from Belgium are admitted, but the result would be that the amendment would not be enforced; it would be, as I have said, a perfect dead letter.

If there is a real intention to accomplish the object set out in the amendment, and a general provision such as that which I have just proposed is adopted, which is applicable to any country in the world coming within those general terms, no such objection could be made by a foreign country under a treaty, and it could be put into effect.

I am not particularly concerned about this amendment, but I do think, if we are going to undertake to extend the benefit of asylum to the Belgians, we ought to do it in an effective way. There is no more difficulty in determining who is entitled to admission into this country under this proposed amendment than there is to determine who is entitled under half a dozen

other provisions of the bill such as deal with the immigrant's mental condition, his ability to earn a living, whether or not he is liable to become a public charge, or whether or not he is psychopathically inferior, or something of that kind which the bill provides.

The convention between the United States and various other countries entitled "Convention respecting the rights and duties of neutral powers and persons in war on land," which was ratified by the United States on February 23, 1909, being translated contains a list of the signatories to it; and the first one that I notice in the English translation is "His Majesty the German Emperor, King of Prussia," and the second one is the "President of the United States of America." So that the United States of America, being one of the great signatories of the convention, has a very substantial ground for making a violation of it one of the subjects to be considered in its immigration laws and in determining the qualification of aliens for admission to this country. Article 1 of this convention is in the following language:

The territory of neutral powers is inviolable.

Article 2 is in the following language:

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power.

Now, I make bold to say, Mr. President, that in the case of Belgium both the first and second articles of this convention have been violated, and citizens of that country would come within the terms of this amendment. I do not think that there is any other country at the present time that would be so subject. I think Belgium stands out as the great solitary exception in the entire world. But the terms are general; no one could complain; and it would give effect to this provision.

Mr. WILLIAMS. Mr. President, I entirely sympathize with what the Senator from Washington [Mr. POINDEXTER] has just said, and yet I think that all that he has said constitutes a better matter of argument upon the part of the Government of the United States, if anybody should raise the favored-nation clause; if anybody should attempt to raise it, then all we have to do is to point to those two articles of the treaty which the Senator has just read and also point to the treaty of 1830, or whatever it was, between Prussia and France and Great Britain neutralizing Belgium. All that is a matter of argument, and it does not seem to me that the favored-nation clause could be raised against this provision any more if we fail to mention the name or merely refer to some article of some treaty or use a description than if we did mention the name but were able to prove that Belgium was in this peculiar condition. It seems to me that all that might very well be relegated to the diplomatists as a matter of argument, if the question is ever raised, and I apprehend that it never will be raised.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Washington [Mr. POINDEXTER].

The amendment was rejected.

The PRESIDENT pro tempore. Unless there is objection, the amendments made as in Committee of the Whole will be concurred in. The Chair hears no objection.

Mr. CUMMINS. I offer the amendment which I send to the desk as a new section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section the following:

SEC. —. It shall be the duty of the Department of Labor and the Department of Commerce to closely observe the industrial conditions of the country, and if at any time it shall be the opinion of either department that the immigrants to be expected in the immediate future by reason of their number or character will materially increase the number of unemployed people of the United States or reduce our standard of compensation to wageworkers, the department which so finds or believes shall at once report the same directly to Congress, with such facts as may be at hand and such reasons as may be pertinent to the conclusions reached.

Mr. SMITH of South Carolina. Mr. President, as that seems to me in line with the purpose of the bill, as chairman of the committee I am perfectly willing to accept the amendment.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is on the passage of the bill.

Mr. MARTINE of New Jersey. On that question I ask for the yeas and nays. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In his absence I withhold my vote.

The PRESIDENT pro tempore (when the name of Mr. CLARKE of Arkansas was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. He is absent, and as I am not advised as to how he would vote if present, I withhold my vote.

Mr. CRAWFORD (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is absent on business of the Senate. He is paired with the junior Senator from Wyoming [Mr. WARREN]. If my colleague were present, he would vote "yea."

Mr. MYERS (when his name was called). I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is absent from the Senate on account of illness. He stands paired on this vote with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. PITTMAN (when Mr. SAULSBURY's name was called). I am requested to state that the Senator from Delaware [Mr. SAULSBURY] is absent on official business and that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. VARDAMAN (when his name was called). I have an understanding with the Senator from Idaho [Mr. BORAH], with whom I am paired, and I vote "yea."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from Florida [Mr. FLETCHER].

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but in consequence of information given me by his colleague and by the Senator from Massachusetts, and in consequence of a telegram received by his secretary from him, I know that he would vote "yea" if present. I therefore consider myself freed from the pair, and I vote "yea."

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is detained from the Senate on account of illness in his family. If he were present, he would vote "yea." He is paired with the junior Senator from Illinois [Mr. SHERMAN], who I understand would vote "nay."

Mr. CLAPP. While I made the statement early this morning, I think it is only proper to repeat it, that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained at his home on account of a death in his family.

Mr. GALLINGER. I am requested to announce that the Senator from Illinois [Mr. SHERMAN] is detained from the Senate on account of illness in his family, and, as announced by the junior Senator from Virginia [Mr. SWANSON], he is paired with the senior Senator from Virginia [Mr. MARTIN].

Mr. DILLINGHAM (after having voted in the affirmative). I find that the Senator from Maryland [Mr. SMITH], with whom I have a pair, is absent. So I transfer my pair with that Senator to the Senator from Idaho [Mr. BRADY] and allow my vote to stand.

Mr. JAMES. I desire to state that my colleague [Mr. CAMDEN] is necessarily absent from the Senate and is paired. I am informed by his secretary that he has received a telegram from him stating that if he were present he would vote for the bill.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. ASHURST. I rise to announce that my colleague [Mr. SMITH of Arizona] is unavoidably absent, and that, if present, he would vote in favor of the bill.

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Kansas [Mr. THOMPSON].

The result was announced—yeas 50, nays 7, as follows:

YEAS—50.

Ashurst	Hitchcock	Oliver	Smith, S. C.
Bristow	Hughes	Overman	Sterling
Bryan	James	Page	Swanson
Burton	Johnson	Perkins	Thomas
Chamberlain	Jones	Pittman	Thornton
Clapp	Kenyon	Polindexter	Townsend
Crawford	Kern	Pomerene	Vardaman
Cummins	Lane	Robinson	Weeks
Dillingham	Lee, Md.	Root	White
Gallinger	Lodge	Shafroth	Williams
Gore	Myers	Sheppard	Works
Gronna	Nelson	Simmons	
Hardwick	Norris	Smith, Ga.	

NAYS—7.

Brandegge	Martine, N. J.	Ransdell	Walsh
McCumber	O'Gorman	Reed	

NOT VOTING—39.

Bankhead	Culbertson	McLean	Smith, Md.
Borah	du Pont	Martin, Va.	Smith, Mich.
Brady	Fall	Newlands	Smoot
Burleigh	Fletcher	Owen	Stephenson
Camden	Goff	Penrose	Stone
Catron	Hollis	Saulsbury	Sutherland
Chilton	La Follette	Sherman	Thompson
Clark, Wyo.	Lea, Tenn.	Shields	Tillman
Clarke, Ark.	Lewis	Shively	Warren
Colt	Lippitt	Smith, Ariz.	

So the bill was passed.

HOUSE BILL REFERRED.

H. R. 19906. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

PETITIONS AND MEMORIALS.

Mr. ROOT presented petitions of sundry citizens of New York, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. OLIVER presented a memorial of Liberty Grange, No. 1182, Patrons of Husbandry, of Port Allegany, Pa., remonstrating against the enactment of legislation placing the delivery of mail in rural districts upon a contract basis, which was referred to the Committee on Post Offices and Post Roads.

Mr. NORRIS presented a petition of the Western Swedish Conference of the Methodist Episcopal Church, of Ong, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Mrs. H. J. Matthews, of Burwell, Nebr., praying for the enactment of legislation to increase the pensions of widows of Civil War veterans, which was referred to the Committee on Pensions.

Mr. KERN presented a petition of 136 citizens of Bremen, Ind., praying for the prohibition of the exportation of ammunition, etc., which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of West Terre Haute and Goshen, Ind., remonstrating against the transmission of anti-Catholic publications through the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Frank Britton Camp, United Spanish War Veterans, of Crawfordville, Ind., praying for the enactment of legislation to grant pensions to widows and orphans of Spanish War veterans, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Elkhart, Ind., praying for the enactment of legislation to create a volunteer officers' retired list, which was ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 7102) granting a pension to John E. Halaas (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7103) for the relief of W. R. Wells; to the Committee on Claims.

A bill (S. 7104) granting a pension to John Hamilton (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7105) granting a pension to Sue F. B. Prindle (with accompanying papers); and

A bill (S. 7106) granting an increase of pension to Susan Bryant (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 7107) to authorize the construction of a bridge across the Ohio River at Metropolis, Ill.; to the Committee on Commerce.

By Mr. POMERENE:

A bill (S. 7108) to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey, and providing for additional surveys by the Coast and Geodetic Survey; to the Committee on Commerce.

By Mr. PITTMAN:

A bill (S. 7109) to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; to the Committee on Public Lands.

By Mr. THOMAS:

A bill (S. 7110) granting an increase of pension to Mary Jane Drew; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 7111) granting a pension to George A. Atkinson; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 7112) authorizing and directing the Secretary of War to muster Dr. John A. Bobb, deceased, a brigade surgeon, with rank of major, from assistant surgeon (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7113) granting an increase of pension to Charles E. Rogers (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND (for Mr. SMITH of Michigan):

A bill (S. 7114) for the relief of Ethel Proctor (with accompanying papers); to the Committee on Claims.

A bill (S. 7115) granting an increase of pension to Benjamin S. Wilbur (with accompanying papers);

A bill (S. 7116) granting a pension to Sarah Spencer (with accompanying papers);

A bill (S. 7117) granting an increase of pension to Fernando W. Moon (with accompanying papers);

A bill (S. 7118) granting a pension to Lola I. Pope (with accompanying papers); and

A bill (S. 7119) granting an increase of pension to Imogene M. Burke (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 7120) for the relief of persons making simultaneous settlements on the same tract of the public lands; to the Committee on Public Lands.

By Mr. HARDWICK:

A bill (S. 7121) for the relief of the heirs of Solomon Cohen; and

A bill (S. 7122) for the relief of the legal representatives of Henry D. Geddings; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 7123) to create a tariff board; to the Committee on Finance.

A joint resolution (S. J. Res. 217) to repeal an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MYERS submitted an amendment proposing to appropriate \$26,000 for the purchase of a tract of land known as the Macauley ranch, adjoining the United States Army post at Fort Missoula, Mont., for the use and benefit of the post as a target range, etc., intended to be proposed by him to the Army appropriation bill (H. R. 20347) which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate \$27,500 for assistance to the Committee on Appropriations, the Committee on Commerce, the Committee on the District of Columbia, etc., of one clerk each at \$2,750, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 19909), which was referred to the Committee on Appropriations and ordered to be printed.

THE MERCHANT MARINE.

Mr. GALLINGER. Senate Document No. 225, Sixtieth Congress, first session, entitled "Development of the American Ocean Mail Service and American Commerce," is out of print, and there have been many calls for it. I move that 1,000 copies be printed for the use of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m., Saturday, January 2, 1915) the Senate adjourned until Monday, January 4, 1915, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 2, 1915.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless, praise, and magnify Thy holy name, O God our Father, for the continuation of Thy gifts unto the children of men. In the sweep of time another year has passed into history, and we most earnestly pray that we may be the better prepared by its experiences to enter upon the new year, that it may bring to all Thy children peace, happiness, and good will, that Thy kingdom may be advanced and Thy will be done in every heart. In the name and spirit of Him who taught us life and the immortality of the soul. Amen.

The Journal of the proceedings of Thursday was read and approved.

CHARLES A. COULSON.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 13698, to correct the military record of Charles A. Coulson, and concur in the amendment of the Senate.

The SPEAKER. The Clerk will read the bill by title.

The Clerk read as follows:

H. R. 13698. A bill to correct the military record of Charles A. Coulson.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was read.

The Senate amendment was agreed to.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20150, the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. STEPHENS of Texas. Mr. Chairman, Thursday I yielded one hour to the gentleman from Indiana [Mr. Moss], and he has not occupied the whole of that time.

The CHAIRMAN. The gentleman from Indiana is recognized for 30 minutes.

Mr. MOSS of Indiana. Mr. Chairman and gentlemen, I sympathize with those who express impatience at the progress of rural-credit legislation, but I can not believe it possible that this legislation will be agreed to by the House without a full discussion of the principles which necessarily will give shape to the measure that will finally be adopted. I have been scrupulously careful to avoid any personal references which in any way can reflect to the discredit of any Member. I trust that it will not be considered discourteous, while I am discussing a principle applying to the entire subject of mortgage banking and not the provision of any particular bill, if I should prefer to continue until I shall have presented the arguments as I have prepared them without yielding to any gentleman on the floor.

When I was discussing the Moss bill and the Bulkley bill I was glad to yield to Members, even to the extent of being taken off the floor by the discussion that ensued before my remarks were concluded. But I am discussing no particular bill now, and I trust I may be permitted to continue in a connected manner.

We now turn to the land-purchase act of Ireland which has been cited as a reason why our Government should extend direct financial assistance to the proposed system of mortgage banks. The activities of Sir Horace Plunkett and of his associates who organized the Irish Agricultural Organization Society are not projected toward the granting of land-mortgage credit, but to the organization of personal credit and of coop-

eration in production and distribution of agricultural products. The condition of Ireland at the time the land-purchase act was enacted is depicted by Herrick in his *Rural Credits*, as follows:

The country had appealed to God, to the State, to humanity, for sympathy, for aid, for dollars, and had become a mendicant among the nations. Steps had been taken, it is true, to solve the land question, but "fair rents," although fixed by the courts at a reasonable figure, were more than the tenants could pay. Nearly one-half of the inhabitants of Ireland had emigrated beyond the seas, and most of those who remained were living in mud huts or squalid hovels, inflamed with malicious rage against the Government. The plight of the farming class was most wretched of all, for on account of their crude methods of cultivation and marketing foreign competitors were underselling them in the staple products for which the soil was best adapted, and the meager gains were shared between the landlords and the "gombeen" men.

Even these miseries alone were not sufficient to cause the English Government to enact the land-purchase act. Under the laws of the United Kingdom the Irish tenants owned the improvements on the lands or estates. These improvements had been constructed at their expense, and the law recognized the tenants' right of ownership. Thus there grew up a dual ownership, which was peculiar to Ireland alone. There were two owners with adverse interests, with different nationality and different residence—one, the landlord owning the land, living in England, and drawing rents, and the other, the tenant owning the improvements, living in Ireland, and cultivating the soil. This condition not only led to ill feeling, but to actual warfare and to near revolution. Out of this difficult situation grew the land-purchase act.

It would be interesting and perhaps instructive to continue this review so as to include all the countries which have adopted a program of social reform; but I have cited the leading nations of Europe which have the largest interests and the longest experience with mortgage banking. It can not be gainsaid that social reform has been an important factor in inspiring the founding of the State-endowed type of mortgage-banking institutions in European countries.

I wish to direct particular attention to the degree of service extended to agriculture by institutions which are founded and controlled by private initiative as compared with those which are endowed by the State in whole or in considerable part, either by subscription to capital stock or by a guaranty of debentures. In order to secure a considerable degree of thoroughness without continuing at too great length I will confine myself to the institutions of Germany. I have called attention to the important fact that the Credit Foncier holds less than 10 per cent of the rural mortgages in France. I will also be able to submit figures showing that State-endowed banks only hold 5 per cent of such mortgages in Germany. I do not include the mutual associations of borrowers, generally known as *landschafts* among State-aid institutions. These do not have capital stock and the State does not in any manner guarantee their debentures. They are pure associations of borrowers, each member of which pledges individual mortgage security to the whole society in return for debenture bonds of the association and resting solely on the collective mortgages held by the association plus the liability assumed by the individual members for the payment of the debts of the association. Thus in no proper sense can it be said that these institutions have received grants of public money to loan to their members or to purchase any part of their bond issue; neither does the Government credit in any manner sustain the selling price of the bonds. The Government has extended the advantages of strict supervision and has conferred many extraordinary privileges which relate principally to the summary processes of collecting debts and of foreclosing mortgages without the ordinary delays or processes of law; they are also given judicial powers to fine their membership and to compel various kinds of personal services, either with or without compensation, while their membership in turn can not question these decrees of their officers or appeal to the courts to arbitrate any grievance any member may hold against his association.

In discussing State aid in relation to the *landschaft* associations, Cahill says:

Government grants were made to the earliest associations, but they were inconsiderable in amount and were rather advances to meet general initial expenses of organization and establishment. Thus the Kur and Neumark Credit Institute obtained \$3,000. After the Napoleonic wars certain assistance appears to have been granted in certain cases, but the amounts were not large (p. 42).

In this connection it should be stated that during the Napoleonic war Napoleon levied tribute on the *landschaft* associations in Germany and robbed them of all their reserves and available funds. It is thus probable that grants of public funds to meet organization expenses did not equal in amounts the tribute levied by the hand of war. These mutual associations are the parent bodies of all mortgage banks as we are now

considering that term, and thus it is established that mortgage credit, based upon debenture land bonds, was founded and established without grants of Government capital or credit; and these institutions present a successful history since the eventful day of July 25, 1770, a period of 144 years.

In Germany these associations originally were aristocratic and admitted only the higher classes of society to membership. It has only been recently that progressive ideas and democratic forces in society influenced their management, and I call attention particularly to the very important fact that this change of management, which is entirely in the interest of the small farmer, was brought about by the private joint-stock mortgage banks and not the State-endowed institutions, so highly lauded by the gentleman from Ohio.

Thus it is established that private capital and private enterprise engaged in mortgage banking actually revolutionized the business methods and destroyed the privileges in the credit world which caste had conferred and sought to perpetuate. I quote again from Cahill, page 53:

ACTIVE MODERN POLICY OF ASSOCIATIONS.

Within the last generation these institutions have, in general, shown themselves to be quite alive to progressive ideas. They have extended their eligibility for membership so as to include owners of small properties; they have increased the proportionate loans upon the security of property; they have introduced new branches of allied activity (e. g., banking and insurance); and they have adopted more flexible business methods, though always consistent with absolute security for bondholders. This general awakening is due to many causes, but not least has been the influence of the joint-stock banks. As a result it no longer occurs that a leading German organization of agriculturists, in high dissatisfaction with the backwardness of these associations, energetically advocates—as it happened in the early sixties—the foundation of joint-stock mortgage banks.

No higher tribute to the efficiency and usefulness or to the popularity among the farmers of Germany of the private mortgage banks can be paid than is contained in this extract. Every close student of German banking knows that the *landschaft* associations have approached closely to the business methods of their popular rivals. Each association has organized a private joint-stock bank to carry on the business of general banking, including the making of mortgage loans to nonmembers of the associations; and they make their loans in cash rather than in debenture bonds, as formerly; and that in all the new *landschafts* mutual liability is abolished and every borrowing member is responsible only for the amount of his own obligation. I submit this indisputable evidence that mortgage banking was originated without Government endowment and that the popular present-day methods were originated and introduced by privately owned and controlled banking institutions. It now only remains to show that State-endowed institutions do not carry any considerable part of the burdens of extending mortgage credit to the men actually engaged in agricultural pursuits in the German Empire and I will have completed my case.

The total farm mortgage indebtedness of Germany is estimated at \$2,000,000,000. That sum was stated to our commission by speakers assigned by the German Government to discuss the subject of German mortgage credit before us. I have noticed the same figures are given by writers of repute, so I will accept them. This vast sum is distributed among the different classes of mortgage banking institutions as follows:

Savings banks.....	\$850,000,000
<i>Landschaft</i> associations.....	750,000,000
Joint-stock banks.....	170,000,000
State and provincial banks.....	100,000,000

(See *Economic Quarterly* for August.)

It thus appears that the mortgage banks in the German Empire which have been established for the whole of a State, Province, or of a district within a Province and whose liabilities are guaranteed by the public authority of such area only grant 5 per cent of the loans on rural real estate. In speaking of these banks which have been organized in Prussia, Dr. Augsbin, in his address at Berlin before the United States commission, said:

In the second place we must consider the district aid banks. These banks were founded about 50 years ago by the Provinces at the suggestion of the Prussian Government. The object was to further by means of these banks all works of general utility undertaken by the small communities and townships. The annuity banks of Prussia were established in Prussia in 1850 for the purpose of facilitating the redemption of old servitudes, encumbering the lands of peasants from feudal times, so as to enable the peasant farmer to buy off the feudal dues encumbering his lands. But I think that this form of credit is of no interest to the American farmer, who only needs cheap amortization credit on long-term mortgages to increase his productive powers, and only organizations similar to the *Raffelsen* or the German *Landschaften* are of real importance to him. (P. 392).

With these curt words this eminent authority dismissed the State-endowed institutions of Prussia and disposed of the contention which the gentleman from Ohio professes to believe is threatening to wreck this legislation now proposed to this hon-

orable body. I may say in concluding this discussion of these State-endowed mortgage banks in Germany that much of their business is quite familiar to American citizens and is the same class of expenditures as we carry on under direct public authority, such as the issue of bonds for drainage, irrigation, and road building, or by municipalities to own and operate public utilities, such as waterworks, municipal lighting systems, street railways, and similar public improvement enterprises. I am told that the State of Massachusetts guarantees the bonds issued by certain improvement districts to construct a system of public waterworks. Indiana likewise delegates public authority to the issue of bonds to improve lands lying in certain drainage districts. This kind of public improvement is so familiar with us that it does not merit extended discussion, yet it accounts for the organization of many State-endowed mortgage banks in Europe or more particularly in Germany.

There are many other special factors which operate in Europe and which are not present in the United States. Luzzatti, who is the father of cooperative rural credit in Italy, in an address before our commission, in Rome, stated that the savings which Italian emigrants in the United States send back to their native country did more to render possible the extension and upward march of credit in Italy than all the efforts of the ministers of the treasury—and Luzzatti is one of those ministers. If it be true that the savings of our foreign-born citizens which are sent back to the European Continent is a greater factor than any aid which the Government is able to extend in establishing systems of rural credit in those countries, then shall it be contended and can it be true that rural credit can not be successfully organized in this country without the grants of direct subvention from the Federal Treasury? But it is said that no successful mortgage system has ever been organized for small borrowers without such aid. This statement deserves some attention and elaboration.

The tracts of land in Europe are very small as compared with farms in the United States. I saw many farms in Germany which were mere strips of land not exceeding 30 feet in width. There were three Americans in our party in a tramp through rural Germany. We took photographs of many German farms so small that a person standing at each corner of the strip would show in the Kodak picture. German loans are made on the basis of the income of the land and not on its actual commercial value. In a general way this is true of all unrecalled long-time loans on the Continent. The theory is that only amounts can be safely loaned on a tract of land which can be repaid out of the income after deducting the cost of cultivation. All speculative values are excluded; and the income values are those taken by the German Government in assessing taxes. The result has been to make it difficult for small landowners to secure accommodations from those institutions which issue debenture bonds and are thus under the strict supervision of the Government. This one element has done more to limit the volume of rural business done by joint-stock banks in Germany than any other thing. The two joint-stock banks in Germany which do so large a proportion of the rural-loan business have been given the right to make an independent appraisal, and thus actually advance a larger proportion of the real value of the land than other private banks are permitted to do.

This feature accounts in part for the large business done by the savings banks, which charge a slightly higher rate and do not grant unrecalled loans. If the small farmer were to accept the small advance which he could get under their system of appraisal under a first mortgage and then be forced to borrow under a second from a private lender, the high rate on the second mortgage more than counterbalances the lower rate on the first mortgage. Naturally the borrower prefers to make his terms with savings banks or with private lenders. It is the system of valuation and not any defects in the system of banks which causes the results which are commonly pointed out as defects in the system of decentralized European banks. In a centralized system, like that of France, the cost of negotiating the loans adds to the difficulty by making the expense prohibitive to small borrowers in the remote parts of the Republic. In general, it may be said that a successful system of land-mortgage credit must contain the instrumentality to carry the machinery in some form to close proximity to the lands of the borrower.

I have thus demonstrated, first, that mortgage banking business based on land bonds was founded without the aid of public cash or public credit; second, that its methods of administration were perfected and made popular with the average farmer by the ability and energy of private bankers; and, finally, that the vast volume of all rural mortgage business is transacted by agencies operating without Government credit or Government cash. I therefore submit that in the face of this record there can be no justification for the contention that no useful rural-

credits legislation can be perfected except by the grant of public money or the hypothecation of the public credit.

The attitude of Secretary Houston has been called into question, and there has been a concerted effort to make it appear that the administration has abandoned rural-credit legislation. I sympathize with those who may express an impatience at the delay in securing tangible results. However, there is no room for a charge that the legislation is being designedly delayed. It was generally admitted that our commercial system of banking was the poorest in the world, but years were spent in discussion and education, and it finally required the firmness and influence of the present administration to overcome the difficulties and to enact the Federal reserve law. The system has barely gotten into operation, and the administration is nearly two years in power.

The gentleman from Ohio referred to Mr. Herrick. For this reason it may be of interest to those who are criticizing the delay to mention that I had the honor on my return from Europe to deliver a message from Ambassador Herrick to Secretary Houston, urging careful consideration on the part of the administration of any proposed legislation on this subject, and expressing the opinion that the greatest danger was that enthusiasm rather than thorough knowledge might seek to dictate the terms of the law.

President Wilson personally assured our commission of his interest in this legislation, and that it was his desire that bills might be framed and presented to Congress at an early date. Without attempting to dictate the terms or draft of any measure which our commission might undertake to frame, the President frankly stated his objection to any direct grant of public money or to the guaranty by the Federal Government of the securities which might be issued by the proposed mortgage banks. He expressed cordial approval of the proposal to exempt mortgages and land bonds based upon them from all forms of Federal and local taxation, not as a subvention from the State to the banks, but as a measure of justice and advantage to the debtor. He approved the creation of adequate machinery within the Federal Government to give whatever assistance that might be thought to be helpful and necessary in the organization and supervision of these proposed instrumentalities. I have never understood from any authoritative source that the President has altered these views; on the contrary, he has appeared before Congress and has asserted them in a state paper or address. It remains also to say that the President expressed himself cordially in favor of chartering by the Federal Government of a system of personal-credit banks, which should be designed particularly for the use and benefit of the tenant class of farmers wherever such banks might be needed or helpful to the agricultural interests of the Nation.

Secretary Houston has at all times been interested in the progress of this legislation, and has never hesitated to express his personal views or to offer the assistance of the experts in his department. He promptly organized a division on rural credits and began a systematic study of the condition of agricultural credit in the United States, a work which was never before attempted by any authority. In his annual report he states that his department is now in position to give assistance to any committee of Congress to frame a personal-credit law, a work which so far as I am aware has not as yet been attempted by any Member of either House.

I beg to call your attention to the statement in regard to personal credits contained in the Secretary's annual report on page 31. I quote as follows:

The students of rural credit recognize the desirability of another piece of legislation which may properly be had at the hands of the several States or of the Federal Government, namely, legislation authorizing and encouraging local personal cooperative credit associations. Some States have already taken steps in this direction and others are contemplating taking them. The Department of Agriculture has made earnest investigations in this field and is in position to offer suggestions as to legislation and as to the form and operations of rural-credit cooperative associations.

The Secretary has thus placed his great department in a position well in advance of that occupied by Congress on this subject. The gentleman from Ohio [Mr. BULKLEY] complains that the Secretary failed to make his position clear as to what kind of an instrumentality he favored. The Secretary in his report discusses the question with great directness and frankness. The failure of the gentleman from Ohio [Mr. BULKLEY] to comprehend the Secretary's position is due to the fact that he failed to quote the Secretary's language entire. In his quotation from the Secretary's report he omitted one sentence, though quoting all other connecting sentences. This one sentence would have made the meaning clear. The Secretary said:

The chief difference of opinion arises over whether there should be special aid furnished by the Government. There seems to be no emer-

agency which requires or justifies the use of the Government's cash or the Government's credit.

The gentleman from Ohio failed to quote that last sentence, though he did quote in another connection the sentence which immediately follows it.

Mr. BULKLEY. Will the gentleman yield?

Mr. MOSS of Indiana. Certainly; with pleasure.

Mr. BULKLEY. I intend to print with my remarks the entire discussion of Secretary Houston on rural credits and omit nothing. I notice the gentleman has quoted a part of a sentence from the Secretary's report, and I hope that when he prints his remarks the whole of that sentence will be put in.

Mr. MOSS of Indiana. The gentleman is mistaken as to any division of sentences. The sentences are taken entire, though but a part of the paragraph appears. The entire paragraph will appear in Secretary Houston's letter, which will appear as a part of my remarks.

Mr. FALCONER. Will the gentleman yield?

Mr. MOSS of Indiana. With pleasure.

Mr. FALCONER. Will the gentleman also quote the President's message when he said that we would not take up rural-credit legislation at this session?

Mr. MOSS of Indiana. I shall always be glad, on any proper occasion, to quote any official utterance which President Wilson may make.

Mr. HOWARD. Will the gentleman comment on the fact that there are only two States in the Union that could take advantage of rural-credit provisions on account of the record and foreclosure laws of any Federal act that might possibly give rural credits to the people? There are only two States in the Union that could take advantage of it, and those are Iowa and Wisconsin.

Mr. MOSS of Indiana. Mr. Chairman, in reply to my friend the gentleman from Georgia [Mr. HOWARD], I beg to say that the Moss-Fletcher bill as it is drawn can go into operation in every State in the Union without any further action on the part of State or Federal authority. The debentures can not be accepted as a legal investment for trust funds except in those States whose laws respecting land titles, exemptions, and foreclosures are considered to be such as to give proper security to the debentures which may be issued. This decision is left to the commissioner of land banks under the bill as it was originally drawn. I am informed that the Bulkley-Hollis bill does not differ radically from the Moss bill in these provisions except that the specific requirements of State laws are not set out in the Bulkley bill but are left to the discretionary power of the Federal supervising power. It is not the intention of either bill, as I understand the Bulkley bill, to interfere with State laws. We designedly drew the commission bill so as to offer inducements to State authorities to adopt uniform State regulations concerning land registration, conveying, and exemptions, but the operation of the law is not dependent upon the State adopting such regulations.

This language of the Secretary supports the position assumed by the United States commission in its report. Our language is as follows:

GOVERNMENT FINANCIAL AID UNWISE AND UNNECESSARY.

In considering the question of the establishment of institutions under Federal charter, naturally the question of Government aid came under discussion. The commission, from the beginning, has been convinced that not only was Government aid unnecessary, but that it would be unwise. The farmers of the country do not desire any special privileges, and the idea of special privilege is, moreover, antagonistic to the spirit of our institutions. Government subvention is not needed. The security of our farms, the value of which is reported to be over \$40,000,000,000 and yielding an annual product of the gross value approaching \$10,000,000,000, is ample for the creation of a liquid security, which will be readily accepted by investors and which will enable the farmer to use his asset of land as readily as the merchant uses his stock of goods. The farmer needs no special privilege and wants no special privilege, and none should be extended to him.

On the same page of his report the Secretary gives his opinion as to the type of an institution which should be chartered. He says:

It is the judgment of the best students of economic conditions here that there is needed to supplement existing agencies a proper land-mortgage banking system operating through private funds just as other banking institutions operate, and this judgment is shared by the leaders of economic thought abroad.

Here is again a clear statement as to the type of institution the Secretary approves, and is in strong support of the recommendation of the United States commission. On page 30 of our report we used the following language:

Moreover, the commission became strongly convinced that the individual institution is best suited to the American people, and that the exercise of governmental activities should be largely confined to a rigid supervision, after allowing the widest latitude to individual effort and initiative.

Again, on page 29 of the Secretary's annual report, he reviews the main provisions of the Moss-Fletcher bill and of the Bulkley-Hollis bill, and concludes by saying:

A plan of this kind, operating through private funds, should work safely, and would probably result in a short time in systematizing credit transactions in rural districts and in reducing the interest rate.

Here is a specific indorsement by the Secretary of the principles contained in the Moss-Fletcher bill with no qualifying clauses. The Secretary has never been called upon to indorse specifically the language of the various sections of the bill. Its authors did not present it as a finished bill. It was presented as a basis for a successful and scientific system of land mortgage banks suited to American needs and conditions, and as such its principles have the complete indorsement of the administration.

Senator HOLLIS has stated on the floor of the Senate that the Bulkley-Hollis bill in all its principal features is similar to the Moss-Fletcher bill, but that they had modified some of its provisions and, in his opinion, had improved it. The Bulkley-Hollis bill is not acceptable to the administration in so far as it includes the principle of grants of public money and grants of the public faith and credit of the United States to sustain the selling price of their securities.

The issue is thus joined. I yield to no man in my desire to give the American farmer every legitimate advantage which can flow from wise legislation, but I am willing to take my stand with the administration. The American people have faith in the wisdom, patriotism, and integrity of President Wilson. [Applause on the Democratic side.] They are willing to trust his interpretation of our platform promises. The Democratic Party has never promised subventions or subsidies to any class of the American people, and the rank and file will gladly support the responsible leadership of the party in its refusal to yield to demands for a violation of our fundamental principles; and I desire to go on record now as predicting that this legislation will be enacted under the administration of Woodrow Wilson and agreeably to the promises and pledges of the Democratic Party. [Applause.]

I take pleasure in submitting the following letter from Secretary Houston. The Secretary's position was perfectly understood by every careful reader of his annual report, but as some have professed to be in doubt the Secretary calls attention to those passages of his report which clearly define his attitude and express his friendship toward this proposed legislation. His letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 2, 1915.

HON. RALPH W. MOSS,
House of Representatives.

MY DEAR MR. MOSS: Of course I am greatly interested in rural credits and in securing proper Federal and State legislation on the subject at the earliest possible moment. The subject is a very difficult one and it is of the utmost importance that the right beginning should be made. In spite of very clear expressions in my annual report and in public statements I have made, an erroneous impression concerning my attitude has been conveyed to the public in several ways and especially through the headlines of some of the newspapers. In some cases the headlines indicate that I am opposed to rural-credits legislation, notwithstanding the fact that the subject matter of the news items indicates very clearly that I favor rural-credits legislation, including not only a land-mortgage banking system, but also cooperative personal-credit institutions. It has been difficult for me to see how anyone could misinterpret my statements. It is true that I have not entered at length into a discussion of the details of proposed measures. I have consciously avoided doing so. It is our uniform practice to avoid commenting in detail on proposals pending in the Congress, except when committees of the Congress refer measures to the department for comment. Notwithstanding this practice I have indicated in my report in a general way some of the features of measures pending in Congress with a favorable expression of opinion. You know, of course, of the President's interest in rural-credits legislation and recall his message to Congress December 2, 1913, in which he presented "the urgent necessity that special provision be made also for facilitating the credits needed by the farmers of the country." He pointed out that the pending Federal reserve bill would do the farmers a great service; that it would put them on an equal footing with other business men and masters of enterprise; and that "what they need and should obtain is legislation which will make their own abundant and substantial credit resources available as a foundation for joint concerted local action in their own behalf in getting the capital they must use." In this message the President expressed the hope that the committees of the Senate and the House would address themselves to this matter with the most fruitful results. May I call your attention to a few passages in my annual report on the subject of rural credits? The matter is discussed in the annual report for 1914, pages 26 to 32, inclusive. See quotations in attached appendix.

Reference has been made to Mr. Herrick's recent book on rural credits, and attention has been especially called to his review of the character and extent of State aid in Europe to rural-credit institutions. If attention is not directed to Mr. Herrick's explanation of why State aid was extended in Europe and to his definite expression of view that European action does not furnish precedent for such action in this country and that aid from the Government's Treasury or credit is not needed in the United States, a false impression may be conveyed. As a matter of fact, Mr. Herrick is definitely opposed to the use of the Federal Government's funds or credit for the support of rural-credit

institutions. The following quotations from his book will make his position quite clear.

Very truly, yours, D. F. HOUSTON, *Secretary.*

QUOTATIONS.

THE PROBLEM.

Closely related to the production and distribution of farm products is the securing of capital by farmers on better terms. This problem has attracted the profound attention of the country and still awaits a full solution. The problem is one of extending the banking machinery and facilities more intimately into the country districts for the convenience and the assistance of the rural population and of the effective mobilization and utilization of the resources of the country people themselves.

AID THROUGH GOVERNMENT MONEY OR CREDIT.

The chief difference of opinion arises over whether there should be special aid furnished by the Government. There seems to be no emergency which requires or justifies Government assistance to the farmers directly through the use of the Government's cash or the Government's credit. The American farmer is sturdy, independent, and self-reliant. He is not in the condition of serfdom or semiserfdom in which were some of the European peoples for whom Government aid was extended in some form or other during the last century. He is not in the condition of many of the Irish farmers for whom encouragement and aid have been furnished through the land-purchase act. As a matter of fact, the American farmers are more prosperous than any other farming class in the world. As a class they are certainly as prosperous as any other great section of the people—as prosperous as the merchants, the teachers, the clerks, or the mechanics. It is necessary only that the Government, so far as geographic and physical conditions permit, provide machinery for the benefit of the agricultural classes as satisfactory as that provided for any other class, and this the Government has attempted and is attempting to do.

LAND-MORTGAGE BANKING SYSTEM NEEDED.

It is the judgment of the best students of economic conditions here that there is needed to supplement existing agencies a proper land-mortgage banking system operating through private funds, just as other banking institutions operate, and this judgment is shared by the leaders of economic thought abroad.

Notwithstanding the fact, however, that the people of the United States have ample financial agencies than any other in the world, and have developed the habit of using these agencies to a greater extent than any other people, students of rural problems have been keenly alive to the need of further improvements. They have insisted upon extensions of the national banking facilities and the creation of special agencies in intimate touch with farmers with a special view to the betterment of financial conditions in the country. At least two definite measures have been prepared and have received special consideration. They are similar in many respects. They provide, in brief, for land-mortgage associations with small capital, which may make loans on farm mortgages within a district of a State or within a State to the extent of 50 per cent of the real values of the farms. The money arising from such loans is to be used for productive purposes on the farm on which the security is based. It is contemplated in one way or another, either through separate associations or through a central agency, that debenture bonds may be blanketed on the mortgages and offered to the public. It is proposed that the operations of the system shall be supervised by a central agency in Washington and that there shall be adequate safeguards in the way of examination and inspection. It is thought by students of the question that such debenture bonds would be safe, would attract capital, and would bring into the investment field, especially, small holdings scattered through the country which do not now easily find satisfactory investments. A plan of this kind, operating through private funds, should work safely and would probably result in a short time in systematizing credit transactions in rural districts and in reducing the rate of interest.

COOPERATIVE PERSONAL-CREDIT UNIONS NEEDED.

The students of rural credit recognize the desirability of another piece of legislation which may probably be had at the hands of the several States or of the Federal Government, namely, legislation authorizing and encouraging local personal cooperative credit associations. Some States have already taken steps in this direction and others are contemplating taking them. The Department of Agriculture has made earnest investigations in this field, and is in position to offer suggestions as to legislation and as to the forms and operations of rural credit cooperative associations. Such associations as these will perhaps render their largest service in the sections of the country where there are many small farmers whose individual resources may not be sufficient to enable them to secure the requisite credit. Their largest field for operation would probably be the South. Characteristics of such associations of small farmers are unlimited liability of members, the pledging of the faith of each to the other and of the whole to the lender, the use of funds for clearly defined productive purposes, and the supervision by the association of the use made of the funds. It has been objected that the feature of unlimited liability will prevent the organization of such associations in this country, but in certain sections of the country the liability of small farmers is already unlimited, and this could not be said to be an insurmountable obstacle.

The quotations from Herrick's *Rural Credits* referred to by Secretary Houston are as follows:

NEEDED ACTION IN UNITED STATES VERSUS STATE AID (P. 480).

The first step to be taken in order to extend cooperation and to introduce cooperative credit among farmers is, of course, the enactment of proper legislation. Already there are good laws on cooperative associations in many States. These ought to be codified in every State and the bad laws repealed. Wherever it could be done without interfering with present development and existing conditions, the laws on cooperation in each State should be reduced to one statutory act. There does not have to be one law for credit societies and separate laws for associations for other cooperative purposes. One law could be made to fit them all; and this would be the best plan, because then the regulations would become standardized as regards organization, administration, and management. The farmers of the United States do not need any special privileges or State aid. If methods were simplified and technicalities eliminated, cooperation, or organized individualism, based on private initiative and mutual self-help, would eventually be applied to all their activities. They would accomplish this most quickly and successfully by starting with the credit society as the local unit formed and operated on the principles of Raiffeisen.

EFFECT OF COOPERATION ON INTEREST.

Character of security: A great deal of misinformation on European cooperation has crept into the United States. The societies, it has been asserted again and again, grant cheap and easy credit at interest far below current rates, down to 3 and even 2 per cent, upon character alone. No statement could be further from the truth. Only in Italy is character credit ever accorded, and there, too, only now and then by Luzzatti's urban banks in the form of "honor loans" to indigent persons out of a small portion of their profits which they can afford to lose set aside each year as a pure act of charity. With this small exception there is no cooperative credit society in Europe which does not demand of borrowers as safe security as is exacted by an ordinary bank. Moreover, interest rates are never below those on sound and marketable securities except where the State has advanced public funds to be distributed in free or cheap loans.

The nearest the societies come to extending credit on character is when they permit a member to draw against an uncovered open account up to an agreed amount. Only those members who have unencumbered and readily attachable property, however, are allowed this privilege, while the agreed amount of the account is fixed at considerably less than the ascertained value of their property. Chattel mortgages and pledges of personal property are not uncommon, while the credit societies have been tempted even to assist members to acquire small holdings on real estate mortgages and have invested their surpluses in such securities. Serious consequences have resulted from this practice. The entire rural cooperative system of the Grand Duchy of Hesse has been shaken to its foundation by thus tying up funds of the credit societies, but bitter experience is gradually teaching cooperatives to let real estate mortgages alone. The preferred security is the indorsement of one or more responsible parties, and, with the rare exceptions noted, the societies will not extend credit on anything less. The societies themselves are able to borrow upon no other security than the collective liability of their members, and this is what is meant in speaking of the character credit which is available for cooperatives.

The interest rate for loans, discounts, and acceptances by European rural cooperative credit societies after they have been firmly established is never more than that charged merchants by the ordinary banks in their locality, while in the German Raiffeisen societies it may be less than the commercial rate, for a reason already explained. The American farmers should disabuse their minds of the stories recently told them of the fabulously cheap money in the European credit societies. There is enough good in cooperation to assure its spread, when once it becomes understood, throughout the United States without the invention of fictitious advantages. The granting of agricultural credit is expensive to the ordinary lender because of the costs of examining the securities offered and of making recoveries, and is not profitable unless it yields an interest rate sufficiently high to cover all costs and risks.

STATE AID—HISTORY (PP. 13-15).

Many governments assisted and even created institutions whose purpose was to compensate dispossessed lords or supply them with capital to hire labor in place of the liberated serfs, or to furnish these freedmen with the means to purchase farms; and this plan is still being followed to encourage young men to go back to the land or to remain upon it.

But wherever this intervention occurs it is motivated by the old feudal notion which led kings to believe that the land and its occupants belonged to them and should be subject to their particular care. As the rights and duties dropped away from the lords they passed over to the kings and finally lodged in constitutional governments. Feudalism was frequently replaced by paternalism. England, Sweden, Norway, Germany, and some of the flourishing small States did not develop along this line, but all the other large agricultural nations took this bent, and treated the agricultural classes as dependent wards, if they gave them any friendly consideration at all.

Literature teems with stories of the ignorance, poverty, and degradation of the continental European peasants up to a half century ago. Masses of them are still so poor that they do most of their work by hand, carry their produce to markets on their backs or in carts drawn by themselves or their wives, and are forced to use every miserable little economy to keep body and soul together. To call an American farmer a peasant would be to insult him, although the equivalents of the word in foreign languages convey no offensive meaning. This shows what agricultural conditions in Europe are as viewed by American eyes. The majority of peasants are landless or own plots too small to be mortgaged and have no chance to obtain more on their own standing alone. Hence they are able to get real estate credit only by cooperation or from institutions assisted or privileged by the state.

The feudal system did not gain foothold on American soil, so the United States has never had a complicated variety of tenures and gradation of ranks, the removal of which called for severe remedies. The principles of equality which presided at the Nation's birth have been constantly manifested by avoiding special and using general laws wherever it has been possible to do so. Special legislation, either for individuals or classes, would now be revolutionary and also would deaden the spirit of those who should rely upon it. The American farmers are better men than the European peasantry. Furthermore, they are the most independent and self-reliant part of the country's population. It does not seem likely that they will demand privileges and special favors devised for conditions which have no parallel in this country and which would do them in the long run more harm than good.

STATE AID—FRANCE—EFFECT (PP. 344-345).

Nothing, however, has yet come to light to enable a forecast to be made of the direction which future development will take. Indeed, the future is very uncertain. State aid, which has been so lavishly extended in France, has registered a conspicuous failure when considered from the viewpoint of the hopes entertained in 1899. Even its partisans are far from satisfied with the progress made, and are now contemplating amendments to the laws in order to bring about vital changes in the *Credit Agricole Mutuel*. To say nothing of the dependence upon funds officially supplied, the intimate relations between the system and the Government bind together the financial destinies of both. The occurrence of a great war, for instance, which only served to prove the absolute solidity of the self-reliant German system in 1870, might imperil the very existence of this French State-aided system. No one can foretell, of course, what will happen; but perhaps, as the years roll on, larger numbers of members of the *Credit Agricole Mutuel* will appreciate the value of the principles of self-help maintained by the *Federation of the Farmers and Workmen's Bank*, with unlimited liability, and, in a lesser degree, by the *Central Federation*, and then the full meed of praise will be bestowed upon Rostand, Rayneri, and espe-

cially upon Louis Durand, who for over a generation have been fighting the good fight for mutual self-help and pure cooperation.

STATE AID—AUSTRIA-HUNGARY—EFFECT (PP. 378-379).

The success achieved by this Crown-devised and State-aided cooperative credit system of Hungary was a surprise even to those who conceived it. The system was established purely as an experiment, but it now covers 7,777, or over one-half, of the parishes of Hungary. It has stamped out usury and revived agriculture within that area, and has given a strong impetus to the cooperative movement which is now spreading throughout the land. But it has defects and shortcomings which are becoming more apparent with time.

The intervention of the State has deadened the spirit of self-help. The arrangement which deprives the farmers of direct representation in the management of the center, and even compels them to accept persons not of their own choosing for certain offices in the local societies, violates the important principle of cooperation and retards the development of individual independence. Great numbers of the societies have been formed and are managed by the priests, teachers, notaries, or large landowners in the neighborhood, and the members have no mutual feeling for one another, but join simply with the object of benefiting themselves alone. The artificiality arising from this outside control has created distrust of the system in banking circles. Coupled with this distrust is the enmity aroused by the official favoritism displayed and the class legislation enacted for farmers, and as a result the center, which is now mostly agricultural, finds difficulty in negotiating its debentures and rediscounting the paper of the local societies. Indeed, the system is badly in want of money for extending its activities, and the minister of agriculture recently acknowledged that unless it can attract more deposits or establish better relations with existing financial institutions, the State will have to be called upon for further assistance.

STATE AID—ITALY—CHARACTER (P. 383).

None of these various central banks which the Government has set up for central, southern, and insular Italy is allowed to do business with the farmers directly if there are any rural banks, consortiums, or agricultural bodies, either of an incorporated or cooperative form, to serve as intermediaries, and all are expected to encourage the formation of such intermediaries, particularly of the cooperative kind, while they have the right to inspect and supervise the reorganization, if necessary, of those with which they have dealings. These central banks are, in fact, the official organs of the Government for introducing cooperative credit among poor or ignorant farmers who lack the standing and initiative to help themselves. Several of them were called into existence and endowed with public funds in consequence of earthquakes, pests, and plagues, which devastated wide areas, and they assisted, it is true, all who applied until normal conditions were restored. But usually they give preference to the smallest loans offering the highest security. The banks of Naples and Sicily are allowed considerable discretion, but strict rules for according credit have been laid down for the rest. In Liguria, for instance, the maximum loan is \$600 for three years. The money may be used only for the purchase of live stock, implements, or machinery. Loans of \$200 may be granted for two years for the purchase of fertilizer or for the necessities for planting biennial crops. Loans for the same amount may be granted for only one year for other purposes of cultivation and harvesting. It will be seen that these State-aided banks of Italy are not for large or well-to-do farmers.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman from South Dakota [Mr. BURKE] to use some of his time now.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from Texas that I have no requests for time. I desire, however, to discuss briefly one or two provisions in the bill, and it will be quite satisfactory to me, and I am sure it will be to this side of the House, to begin the reading of the bill under the five-minute rule, if there may be an understanding that when certain items are reached the five-minute rule will not be enforced. I will say to the committee that I will not consume probably more than 20 minutes or possibly half an hour.

Mr. STEPHENS of Texas. Mr. Chairman, that will be entirely satisfactory to this side of the House. I also have a statement from the gentleman from Oklahoma [Mr. CARTER] and from the gentleman from Mississippi [Mr. HARRISON] to the effect that they desire to discuss certain features of the Choctaw matter when it is reached under the five-minute rule, but that now they are willing to begin with the reading of the bill.

Mr. BURKE of South Dakota. Mr. Chairman, I will say again to the gentleman that I am quite willing to have the bill taken up now for amendment under the five-minute rule if we may have that understanding.

Mr. STEPHENS of Texas. That is quite satisfactory.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent that when a certain item which I wish to discuss for a longer time than five minutes is reached under the five-minute rule I may have 30 minutes, and if the request is granted I will waive the time that is assigned to me in general debate, which is an hour.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that when a certain item in the bill in which he is interested is reached he may have 30 minutes in which to discuss it. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Washington [Mr. BRYAN] may proceed for one minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Washington may proceed for one minute. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Chairman, what I desire to do is to call to the attention of the Members of Congress here, and to those who may read this morning's RECORD, the fact that the unfinished business on Calendar Wednesday is the consideration of a death-liability statute that is supposed to affect the ocean only, but which does affect every coast State and all the Great Lakes States, and which takes away from the States jurisdiction in the matter of death on steamboats, which is very broad, and which substitutes an archaic, ancient, out-of-date statute, that it would be an absolute disgrace for this Congress to pass. I hope that the Members of Congress who have not been paying any attention to that statute will consider it and study it before next Calendar Wednesday. I believe, for instance, that the gentleman from Ohio [Mr. WILLIS], who is going to be governor in that State soon, if he would look at the statute would be crusading against it and fighting it in every way possible. I believe that gentlemen from the Great Lakes region would fight it, and also gentlemen from Florida and Louisiana and Texas, and all coast States. Jurisdiction is to be taken from the States, and it is not to be fully restored as to its most substantial remedies to the Federal Government. If it was going to be retained in its entirety and effectiveness it would be different, but they are going to wipe out to a great extent the chance of widows and orphans and those who have claims against steamboats collecting them by giving jurisdiction over to the Federal judges in the admiralty court, where there is no jury trial. In the State courts there is a jury trial. It seeks to take away a great many of the privileges that claimants have by applying the most archaic rules known to the lawyers of the Shipping Trust.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HARRISON. Mr. Chairman, I would like to ask the Chairman of the committee if it is not possible at this time for us to make some unanimous-consent agreement with reference to taking up the Choctaw item, fixing the time for debate, and the division of the time?

Mr. STEPHENS of Texas. Mr. Chairman, I think it would be agreeable to both sides that when we reach that item the gentleman from Mississippi shall control 30 minutes and the gentleman from Oklahoma 30 minutes, as we had agreed on Thursday.

Mr. HARRISON. I do not think that I have ever agreed to that, as far as I am concerned.

Mr. MANN. Mr. Chairman, the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Oklahoma [Mr. CARTER] have 30 minutes each of general debate. Why not by unanimous consent change that so that it will be taken out of the general debate and the time be consumed when that item in the bill is reached under the five-minute rule?

Mr. HARRISON. That would be satisfactory.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that that agreement be made.

Mr. HARRISON. Mr. Chairman, I suggest to the gentleman that he might make it 45 minutes on a side.

Mr. MANN. That would not limit the time under the five-minute rule.

Mr. STEPHENS of Texas. The gentleman could get time always.

Mr. MANN. That can be done at that time.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that when the Choctaw item in the bill is reached under the five-minute rule, under the head of the Five Civilized Tribes, the gentleman from Mississippi [Mr. HARRISON] may have 30 minutes and the gentleman from Oklahoma [Mr. CARTER] 30 minutes in which to discuss the item.

Mr. MANN. That is, transfer the 30 minutes of general debate to debate under the five-minute rule when that item is reached.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that when the item in the bill relating to the Choctaws is reached the gentleman from Mississippi may have 30 minutes and the gentleman from Oklahoma 30 minutes. Is there objection?

Mr. MANN. That does not interfere with the ordinary procedure under the five-minute rule.

The CHAIRMAN. No. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1916, namely:

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$125,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see that this item is decreased from \$150,000 to \$125,000. How much unexpended balance is there for the last fiscal year? My recollection is that the commissioner or Secretary, in making his report, says that this allotment work has very materially decreased.

Mr. STEPHENS of Texas. I will state to the gentleman that the unexpended balance is \$89,241.59.

Mr. MANN. If they had an unexpended balance of \$89,000 out of an appropriation of \$150,000, with the statement of the department that the work of the department is materially decreased, what is the need of making an appropriation now almost as large as was made before?

Mr. STEPHENS of Texas. Because they have outstanding contracts with persons to do certain surveying work that have not yet matured, and they are still being employed in carrying out that work, and it is necessary, in order to meet those contracts that have not yet matured, that this balance be withheld.

Mr. MANN. I notice that the report of the Commissioner of the Indian Office on page 44 has this to say:

During the past two years the quantity of allotment work handled in the field has decreased materially. A few years ago the office had as many as 18 allotting agents in the field at one time, while to-day we have but three. This is due partly to the fact that practically all the Indians on reservations containing lands susceptible of agricultural development without irrigation have been allotted.

Now, if that is the case, what is the necessity of making a larger appropriation. That does not indicate that there are a lot of outstanding contracts. What is the necessity of making a large appropriation and swell the appropriation if the money is not to be expended?

Mr. STEPHENS of Texas. I will call the attention of the gentleman from Illinois to House Document No. 1287, a letter from the Secretary of the Interior transmitting a statement of cost of survey and allotment work, Indian Service, for the fiscal year ending June 30, 1914, in which they set out in full each item of expenditure and how expended and where, and it is a complete statement.

Mr. MANN. Yes; and that indicates that there is no need for that large appropriation.

Mr. STEPHENS of Texas. It is a justification for the appropriation.

Mr. MANN. It is a justification for what they have expended, but it is not a justification for making an appropriation much larger than they need for that particular service.

Mr. STEPHENS of Texas. I will say to the gentleman that I have none of these lands in my State, and I will yield to the gentleman from South Dakota [Mr. BURKE] who has a lot in his State.

Mr. BURKE of South Dakota. Mr. Chairman, I will state that when I saw, as I did see the other day, the report of the Commissioner of Indian Affairs in reference to allotment work which the gentleman from Illinois has just read it occurred to me, in view of the fact that the hearings disclose that there had been an unexpended balance of \$89,000 last year of this appropriation, that the amount could be further reduced. I took the matter up with the Indian Office, called their attention to the report, and also called their attention to what their estimates showed with reference to the unexpended balance, and they went over the matter fully with me and showed that they would need this money for the next fiscal year by showing the different reservations where allotment work is being done, and that much of it is used in the survey on Indian reservations where the money is paid to the General Land Office, which does that work. They also called attention to the fact that under the present practice allotments are being made by the superintendents at agencies instead of regular allotting agents, and that there was a great deal of work being conducted in the way of allotment, and a full written statement of it is being prepared, but has

not yet reached me from the Indian Office; and I am going to ask leave to extend in the Record the statement justifying the necessity for having \$125,000 for the next fiscal year for the work of survey and allotment.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, just a minute more. Of course, if they need the money, I am quite satisfied. The statement in the report of the Commissioner of Indian Affairs does not indicate that they need the money. The commissioner is a very good commissioner, but he ought not to make such a sloppy statement in his report if the facts do not justify it. His report indicated they do not need the money. Now, the information he furnishes the gentleman from South Dakota says that they do need the money. Well, he ought to be more careful, for we are supposed to read his annual report, but we are not supposed to know his private opinion.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by inserting the statement which was furnished by the Indian Office in reference to this item.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota? [After a pause.] The Chair hears none.

The statement is as follows:

With reference to allotting agents, while it is true that the number of these officers has been greatly diminished, yet in making these decreases advantage has been taken of the provisions of section 9 of the act of June 25, 1910 (35 Stat. L., 855-859), which authorizes allotments to be made on reservations by the superintendents or agents in charge. In your own State, on the Cheyenne River, Rosebud, Crow Creek, and Standing Rock Reservations, allotments have been and are now being made by the superintendents. On the Pine Ridge Reservation Mr. Bates is still employed as allotting agent, and although his work is nearing a close, yet under the law allotments may be made to newly born children as long as any lands remain unallotted.

The estimate of \$125,000 for surveying and allotting Indian reservations is a conservative one. Probably \$75,000 of this amount will be required by the General Land Office in survey work, notably on the Northern Cheyenne or Tongue River Reservation, Mont., to complete surveys of the Pueblos in New Mexico, to survey the Papago or San Xavier Reservation in Arizona, for additional work on various Chippewa reservations in Minnesota, to survey the Goshute Reservation in Utah, and to survey various Mission Indian reservations in California, where little "inside work" has been done and where the reservation boundaries have not been properly identified. This would leave \$50,000 for allotment work, including salaries, and for forage, equipment, materials, various other incidental expenditures, and for emergency work.

Allotments are now being made on the Gila River Reservation in Arizona, where there are several thousand Indians to be provided with land. On the Hoopa Valley Reservation, Cal., surveys are required, and there are approximately 500 Indians to be allotted. There are also about the same number to be allotted on the Duck Valley Reservation in Nevada. It may be added that many of the tracts purchased for Indians in California under the acts of June 21, 1906 (34 Stat. L., 325-333), April 30, 1908 (35 Stat. L., 70-76), and subsequent acts, have not yet been subdivided for the purpose of allotments in severalty, and that while the expense for surveying and platting of each tract would not be large, yet in the aggregate the cost will be considerable, as we bought lands for about 40 bands. This work has not received specific attention heretofore, as the funds appropriated were needed for more pressing work elsewhere.

Mr. HARRISON. Mr. Chairman, I move to strike out the last two words for the purpose of obtaining some information. I see at the bottom of this paragraph, the last three lines, these words:

Who was not residing upon the public domain prior to June 30, 1914.

Why was that incorporated in the bill?

Mr. STEPHENS of Texas. That is on the second page of the bill?

Mr. HARRISON. The last paragraph.

Mr. STEPHENS of Texas (reading). "Provided that no part of said sum shall be used for the survey, resurvey," lines 11 to 17, inclusive?

Mr. HARRISON. No; just the last three lines of that paragraph containing the words "who was not residing upon the public domain prior to June 30, 1914."

Mr. STEPHENS of Texas. That was for this reason. That the Navajo Indians of the States of New Mexico and Arizona have heretofore been permitted to go off the reservation and take land as citizens of the United States could take it under the public-land laws of the United States.

It seems that at that date they were forbidden. There was a provision in the last Indian appropriation bill to the effect that thereafter they could not take that land, and that is the reason for this.

Mr. HARRISON. That is now permanent law?

Mr. STEPHENS of Texas. Yes; that is permanent law now.

Mr. HARRISON. May I ask the gentleman, further, is the work that is required respecting the appraisal of these lands finished now?

Mr. STEPHENS of Texas. This provision, as the gentleman will see, does not provide for the appraisalment. It says:

That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian—

And so forth, and it does not provide for an appraisalment.

Mr. HARRISON. That is what I asked about, whether there was any necessity for a further appropriation for appraisalment purposes, and if not, since in prior bills it has been carried, whether the work of appraisalment is now over?

Mr. STEPHENS of Texas. I think so. But it is not estimated for by the department.

Mr. HARRISON. Previously the word "appraisalment" was included with the terms "reclassification and allotment."

Mr. STEPHENS of Texas. Yes. The reason for that was that allotments were made to the Indians, and then there was an unsurveyed domain, belonging to the tribe, that had to be sold and that had to be estimated for and appraised; and that is the reason why the word "appraisalment" was left in the bill then. There is no reservation of that character now.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipes lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$250,000, reimbursable as provided in the act of August 1, 1914, and to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, \$4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500; for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of \$3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, \$3,200; in all, \$259,700: *Provided also*, That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and one competent to pass upon water rights, and one field-cost accountant, may be employed: *Provided further*, That the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation.

Mr. MANN. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order on the paragraph just read.

Mr. STEPHENS of Texas. To what item?

Mr. MANN. To the paragraph. This covers the repair of ditches and the purchase and use of tools and appliances and everything of that sort, and is made available until expended. I am aware that this item was carried in other appropriations, but inserted by another body. But what is the necessity and object of making an appropriation for maintenance of irrigation ditches available until expended, contrary to all the ordinary principles which we adopt in making appropriations? I can understand why it may be desirable and necessary to make an appropriation for construction of irrigation ditches available until expended, but, for maintenance and repair, why is not that a current item, to be taken care of without accumulating a large surplus?

Mr. STEPHENS of Texas. Will the gentleman please indicate the page and line on which that occurs?

Mr. MANN. Page 3, line 5.

Mr. STEPHENS of Texas. That must have been an oversight. I do not think it is necessary for that to remain there.

Mr. CARTER. Mr. Chairman, that, I take it, applies to the first part of the paragraph, for the construction, repair, and maintenance.

Mr. MANN. It would apply to everything in the paragraph.

Mr. CARTER. It would not be necessary for it to apply to maintenance, but it has been the rule, as the gentleman knows, to make it apply to construction.

Mr. MANN. Where we make a specific appropriation for the construction of an irrigation ditch it has been quite customary to make the appropriation available until expended, and there is very good reason why it is necessary; but where we make a general appropriation every year for maintenance and repair, including some construction, I can not see any reason why that should be made available until expended.

Mr. CARTER. Mr. Chairman, I think that follows the language of the bill last year, but I agree with the gentleman from Illinois—

Mr. MANN. It does follow the language of the bill. Of course, it is true that the Indian Office, like every other bureau and department of the Government, would like to have appro-

priations made which they can hold until they want to use them; but after all it is better in making these appropriations to make them annual, as far as possible, so that we shall know something about how much money is likely to be expended in the ensuing year, because we will have to provide for the raising of the amount.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I will offer a motion to strike out the words "to remain available until expended."

Mr. MANN. I will move to strike it out on a point of order, and also, at the bottom of page 3, the item which provides that the proceeds of sale of material used for temporary irrigation work and structures shall be covered into the appropriation made therefor and shall be available for the purposes of the appropriation. What is the necessity of violating the usual rule that we have that the proceeds of sales shall be covered into the Treasury as miscellaneous receipts?

Mr. STEPHENS of Texas. I have no objection to that going out.

Mr. BURKE of South Dakota. Mr. Chairman, if the gentleman will permit an interruption, I will state that it has been the policy of the Committee on Indian Affairs not to carry any such provision, and I had supposed this was out. I think it is in there inadvertently, and it ought to go out.

Mr. MANN. Mr. Chairman, I make a point of order on the language on page 3, line 5, "to remain available until expended," and also to the last proviso following the word "employed," on line 21 of page 3.

The CHAIRMAN. Does the gentleman from Texas desire to discuss the point or order?

Mr. STEPHENS of Texas. I concede the point of order on both.

Mr. HARRISON. Mr. Chairman, I renew the point of order on the whole paragraph. I want to ask the chairman of the committee a question. I notice you have an item here for the pay of one chief inspector of irrigation, on lines 9 and 10 of page 3, and on line 11 "one assistant inspector of irrigation, who shall be a skilled irrigation engineer, \$2,500." Are those new offices?

Mr. STEPHENS of Texas. They are not.

Mr. HARRISON. Are those provided for by law?

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. May I ask the gentleman what is meant by "traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of \$3 in lieu of subsistence"? Do you intend to mean by that that one traveling in the field in the discharge of his duties gets \$3 a day for subsistence, and in addition to that he gets his actual traveling expenses; that is, lodging and railroad fare, and all those things?

Mr. STEPHENS of Texas. This is for traveling and incidental expenses, including sleeping-car fare and a per diem of \$3 in lieu of subsistence, when actually employed on duty in the field and away from the designated headquarters.

Mr. HARRISON. Would it not be better if the paragraph were made to read "For actual necessary traveling expenses when actually employed on duty in the field and away from designated headquarters"? Would not that include all necessary expenses of subsistence and lodging and travel?

Mr. STEPHENS of Texas. That is the language carried in all the appropriations for any similar service, and this has to be in that shape so as to be audited properly.

Mr. HARRISON. It does not have to be in that shape because the other items are carried in this form, does it?

Mr. STEPHENS of Texas. The language has been used in all the bills for many years.

Mr. HARRISON. Does not the gentleman think the other form would be better?

Mr. STEPHENS of Texas. It would be subject to some objection.

Mr. HARRISON. If the actual necessary traveling expenses of one of these inspectors were paid they might not amount to as much as the railroad fare and \$3 per diem for subsistence.

Mr. CARTER. I think it would amount to a great deal more than \$3 per diem. The object of putting in the \$3 per diem was to fix an amount which they might not exceed, so that they might not pad their expenses, and in order that there might be a definite amount over which they should not go.

Mr. HARRISON. I withdraw the point of order, Mr. Chairman.

Mr. FOSTER. I renew the point of order for a moment.

Mr. SAMUEL W. SMITH. If the gentleman will yield, I wish to ask him a question for information.

Mr. STEPHENS of Texas. I yield to the gentleman from Michigan.

Mr. SAMUEL W. SMITH. How many Indians are the United States caring for at this time?

Mr. STEPHENS of Texas. There are something over 300,000 in the United States. About 101,000 of them are in Oklahoma and the rest are distributed throughout the United States, mainly in New Mexico, Arizona, South Dakota, and Montana, I believe.

Mr. FALCONER. And some in California.

Mr. SAMUEL W. SMITH. Are any of them located in the State of Michigan?

Mr. STEPHENS of Texas. We have an Indian school in Michigan whose pupils are being cared for, and there are possibly a few scattered bands of Indians elsewhere in the State.

Mr. FERRIS. I want to inquire of the chairman of the committee whether he has made any general investigation or had specific hearings to determine how the irrigation carried on by the Indian Bureau articulates with the irrigation carried on under the general reclamation act of 1902? The gentleman will recall that while I was on the committee we used to wonder and tried to determine if there was not a good deal of duplication of work between the two bureaus; and I want to ask if there have been any new developments in the last few years as to the irrigation carried on by the Indian Bureau and the irrigation carried on by the regularly constituted irrigation bureau under the act of 1902?

Mr. STEPHENS of Texas. I will say to the gentleman that the new bureaus are both under the Secretary of the Interior, as the gentleman well knows.

Mr. FERRIS. That is true.

Mr. STEPHENS of Texas. And I will say that the appointments have been made with a view to having harmony between them, and I do not think that at the present time there is any friction between the Indian irrigation service and the irrigation by the Reclamation Service.

Mr. FERRIS. I did not particularly have in mind any personal hostility or personal antagonism that there might be between the two bureaus; but as the chairman of the committee well knows, they are both under the Interior Department, both appointed by the Interior Department, and both conducted there, with the Indian Department as a last resort for the Indian irrigation. I wondered if the chairman of the committee had ever conceived of a plan whereby the general Reclamation Service and the Indian reclamation service might be brought together, and not have two bureaus operating.

Mr. STEPHENS of Texas. I do not see how that could be done, because of the fact that, as the gentleman well knows, the public lands are under the control of his committee, and we have a Public Land Commissioner and an Indian Commissioner. Each one of them has jurisdiction of lands. The lands may be in the hands of white citizens of the United States and a strip may run through an Indian reservation or an Indian reservation may border upon them. It is necessary for the two to act in harmony, and yet each must act within his respective jurisdiction.

Mr. FERRIS. I know it is necessary for them to act in harmony; but as both bureaus are under one head, every time we take up an irrigation matter in the Indian Office or every time we take up an irrigation matter in the General Reclamation Office we finally wind up in the Secretary's office; and I have been wondering if we could not hurdle one of these bureaus and get to the Secretary of the Interior a little quicker.

Mr. STEPHENS of Texas. I do not see how it would be possible, considering the rights of the citizens who are not wards of the Government and the rights of the wards of the Government, one being presided over in one bureau and the other in another.

Mr. FERRIS. I have no specific amendment to offer, and no point of order to make, and no particular criticism about it. It simply seems to me that if the two services could be brought together and consolidated into one, so that you could get your finger on what they were both doing, and how they were doing it, and how much money was being spent, it would be a good idea to have the work done in that way. I wish the Indian Committee—and the chairman knows I am very fond of every member of that committee—would look into the advisability of trying to blend the two bureaus under the Interior Department and see if they could not save a little money.

Mr. COX. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman.

Mr. COX. Would not the gentleman's committee, over which he presides as chairman, have jurisdiction of legislation of this kind?

Mr. FERRIS. We of the Public Lands Committee have no jurisdiction of irrigation matters. As the gentleman from Indiana well knows, they have a regular Committee on Irrigation,

and irrigation matters go to that committee. We do not have anything at all to do with irrigation.

Mr. COX. Your committee has general jurisdiction over matters relating to the Interior Department, has it not?

Mr. FERRIS. We have to do with the disposition of the public lands.

Mr. COX. And with nothing else?

Mr. FERRIS. Yes; a number of things; and we have something to do with the establishment of parks, although we do not appropriate for them.

Mr. COX. I think the gentleman is clearly right in his idea as to what ought to be done.

Mr. FERRIS. Here is the Interior Department, which is the head of the irrigation system. The Secretary of the Interior finally determines whether there shall be any Indian irrigation or not, and whether there shall be any public-land irrigation or not, and we finally wind up in his office. It does not make any difference which one of the bureaus we go to, the question whether or not there shall be any irrigation is determined in that office. Why can not the same Reclamation Service, lawfully constituted under the act of 1902, handle this entire matter, and let it be one comprehensive system, so that when the gentleman from Indiana or myself make an inquiry as to how much money has been expended for irrigation, or to know how much irrigation has been actually going on, we can find out without ramification through so many departments or bureaus?

Mr. COX. What committee of the House would have jurisdiction of the two bureaus if it was combined?

Mr. FERRIS. Well, the Committee on Irrigation, probably. The House parliamentarian passes on that.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. FOSTER. I will reserve the point of order.

Mr. MONDELL. Mr. Chairman, I was interested in the observations of the gentleman from Oklahoma [Mr. FERRIS] in regard to the two reclamation services under the Interior Department. It had occurred to me, as it has to the gentleman from Oklahoma, that it might be possible and proper to consolidate the two services, but after investigation of the matter pretty carefully, in connection with an enterprise with which I am familiar, I came to the conclusion that it would not be wise to attempt to have the Reclamation Service carry on the work under the Indian Bureau.

It will occur to the gentleman from Oklahoma what some of the difficulties are. First, the Reclamation Service in general is a work under a special fund, and has to do largely with great enterprises. Further, that service carries on its work largely by contract, and builds its projects very permanently and very thoroughly and finishes carefully. The same permanence and careful finish is not required on all Indian work. The Indian reclamation bureau claims to have made a better record for economy than has the Reclamation Service. That may in part be due to the fact that the Indian Bureau has been of the opinion, and I think properly, that in constructing these Indian projects it was not necessary to build them in all cases as permanently as the Reclamation Service builds its projects.

Further, and I think this is the most serious obstacle in the way of consolidating the two services, it is desirable that the Indian labor should be employed so far as possible in the construction of these reclamation projects or ditches and canals on the Indian reservations. Possibly that employment increases the cost of the project in some cases, although not ordinarily, but I doubt if there would be as much Indian employment under the Reclamation Service as is had under the Indian Service. It is almost as important to teach the Indians how to work and how to build and maintain reclamation projects as it is to reclaim their lands, and the Indian Service endeavors, in building the projects, to train the Indians themselves in the construction of irrigation work and to give them a training under which they will be able to maintain them after they are built. The Indian irrigation construction, take it all together, from the repair and upkeep of projects built and the execution of projects under way to the inaugurations of projects large and small, is so intimately associated with the numberless other activities of the Indian Service on behalf of the Indians that it should be kept directly under the supervision and control of the bureau.

Mr. HARRISON. Mr. Chairman, is there a point of order pending?

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] reserved a point of order.

Mr. FOSTER. Mr. Chairman, I make the point of order on the officers, the engineer, and the assistant inspector of irrigation. There is no law to authorize it.

Mr. HARRISON. I understood, Mr. Chairman, that the gentleman from Texas [Mr. STEPHENS] said that there was.

Mr. STEPHENS of Texas. The general authority for the Indian Bureau in the control of the Indians' property by the United States Government will be found in the United States Statutes at Large, volume 24, when the Bureau of Indian Affairs was organized under the War Department.

The Bureau of Indian Affairs has been exercising jurisdiction ever since. These Indians are the wards of the Government, and, as has been frequently decided by the courts, it is the duty of the Government to control the property and take care of the property. In these arid Western States, where there is no water, they can not produce the crops unless they can get water on it, and as a part of the duty of the Government to control the property and put it in condition for the Indians they organized this bureau of irrigation, and they have to-day this service, with the officers, for the purpose of building dams, ditches, and supplying the Indians with water and making the land valuable. It comes under the general authority of the United States as exercised for nearly 100 years for the control of the Indians' property, and never has been questioned.

Mr. FOSTER. Mr. Chairman, the only question is as to this act of 1910, which does not give the authority for the appointment of these officers, nor does it create these offices. I do not think there is any provision of law for the creation of the offices.

The CHAIRMAN. Has the gentleman from Texas any citation for the Chair that authorizes these offices?

Mr. STEPHENS of Texas. It was authorized after the bureau had taken into consideration the necessity for the irrigation. It carried with it the authorization of the right to appoint the men for the care of the irrigation projects, the dams, and so forth. It is in force now, and nearly all of them are being operated under the control of the Government. The Government having first adopted the project, appropriating the money for carrying them into effect, they are now distributing the water to the Indians in different parts of the country. It is absolutely necessary that these officers should have the care of the property of these Indians in the manner that is suggested here.

Mr. MANN. Mr. Chairman, of course there is no question that this appropriation is in order so far as the repair and maintenance of the irrigation projects are concerned. I am inclined to think from the laws that we have passed that it is in order as to the construction of irrigation ditches where no more than \$20,000 can be used in one place. That part that appropriates specifically for officials is probably subject to a point of order, but it was originally put in as a limitation; and is it not wiser to let it remain in as a limitation rather than to give to the department authority to pay such salary to them as it may choose out of the lump-sum appropriation?

Mr. FOSTER. Mr. Chairman, my colleague may be correct as to that, and yet I think there ought to be some provision for these positions, if they are to be put in the bill.

Mr. MANN. Of course, you can not very well make specific provision of law providing for these places, because they may need them this year and they may not need them this year. That is left to Congress to determine; but they might employ a skilled irrigation engineer at a higher salary than \$4,000 a year, if you make a lump-sum appropriation and do not put in a limitation. There is no doubt that we have authority to make appropriations for irrigation purposes, I think, and certainly for repair and maintenance; and is it not wiser, if we do that, to appropriate specifically for some of the higher-salaried offices rather than to leave it to the department?

Mr. STEPHENS of Texas. I desire to state that the act of 1910 fully provides for these officials, and if the Chair has any doubt about it I will send the statute up to the Chair.

The CHAIRMAN. The Chair will accept the statement of the gentleman from Texas that the act fully provides for that.

Mr. STEPHENS of Texas. It does; and I would like to have it inserted in the Record.

Mr. FOSTER. Mr. Chairman, I am going to withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. HARRISON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. HARRISON:
Page 3, line 12, after the figures "\$2,500" strike out everything in that line and lines 13, 14, 15, and 16 and insert in lieu thereof the following:

"For actual, necessary traveling expenses of two inspectors of irrigation, when actually employed on duty in the field and away from designated headquarters, \$3,200."

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that that amendment be modified so that it will read down to "\$3,200" in line 16. It strikes out all of line 16 as it is.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I reserve the point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 3, line 12, after the figures "\$2,500," strike out everything in that line and in lines 13, 14, 15, and 16 down to the figures "\$3,200" and insert in lieu thereof the following:

"For actual, necessary traveling expenses of two inspectors of irrigation, when actually employed on duty in the field and away from designated headquarters."

Mr. STEPHENS of Texas. Mr. Chairman, I withdraw the point of order.

Mr. HARRISON. Mr. Chairman, it strikes me that this amendment is in the interest of economy. The provision as it reads now is for traveling and incidental expenses of two inspectors of irrigation, including sleeping-car fare and a per diem of \$3 in lieu of subsistence when actually employed on duty, and so forth. In other words, the way the provision reads now it might give one authority not only to put in an account for the actual traveling expenses, but also for incidental expenses, and railroad fare and sleeping-car fare, and allow \$3 per day in addition to that with which to buy food. I submit that in all of the appropriation bills, as a rule, such provision as this read for actual or necessary traveling expenses, and in my opinion there is no good reason why, because the department in the past has written this provision in this way, it should not be changed.

Mr. STEPHENS of Texas. Does not the gentleman believe it might increase the amount allowed? Suppose one were to go into a dining car and order a meal that cost possibly \$5. This is limited to \$3 a day. I think the amendment would result in enlarging the amount instead of decreasing it.

Mr. HARRISON. I can not see how a man is going to spend over \$3 a day on a trip for necessary subsistence unless he is unreasonably extravagant—at least more so than would justify these employees from being—and if you give him actual, necessary traveling expenses, if he is a good man and if he is honest with the department, he is going to put in his account with the expenses incurred, which were actually and necessarily expended, but in this way, if a man while out on duty spent only 25 cents for a meal during the whole day, he could put in his account for \$3 and make \$2.75 on the transaction.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, this language is inserted in the interest of economy. Some of the employees, such as those in other departments, are allowed as high as \$5 a day, and I think the uniform rate is \$4. In the Indian Service we have limited it to \$3, which is the minimum amount. I am quite certain that unless it is limited there will be extravagance, and it will cause some of the employees of the Government, in my opinion, to get into trouble, because they will be charged with excessive traveling expenses or expenses for subsistence. This language certainly ought to remain in the bill.

Mr. HARRISON. Mr. Chairman, this is in keeping with the action of the House during this session of the House. We have provided that Members of the House should receive only necessary and actual traveling expenses for themselves and family.

Mr. BURKE of South Dakota. Will the gentleman cite any case where it has been so limited changing from the practice that has heretofore obtained?

Mr. HARRISON. On the question of mileage we have provided that only necessary and actual traveling expenses shall be to ourselves for ourselves and the members of our families.

Mr. BURKE of South Dakota. That is with respect to Members of the House.

Mr. HARRISON. I recall in the Consular and Diplomatic bill that we let it read that way. That is my recollection about it, and my recollection is that the other bills so provide.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I think the gentleman from Mississippi is in error. I do not know whether he intends by his amendment to cover subsistence as a part of the allowance or not. The amendment does not so state.

Mr. HARRISON. That was my intention.

Mr. MANN. It would not be covered by "traveling expenses," I think.

Now, the practice has been, in recent years, to put in these limitations. It is inevitable that after a little while a man who is allowed his actual subsistence stopping at hotels will have a subsistence account of more than \$3 a day, and even where he is stopping at country hotels as would be the case here, I take it. Some of the departments allow \$5. The tendency of Congress in recent years has been to cut the amount down. In the Post Office appropriation bill, some years ago we reduced the amount to certain inspectors from \$4 to \$3 a day at the outside, and most of them now pay \$4 a day, and if we do not allow \$4 a day in lieu of subsistence what we would pay would be \$5 or \$6 a day. The \$3 a day limitation for subsistence to a man who is traveling is economy to the Government, because that is less than he probably spends.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among Indians, \$75,000.

Mr. HARRISON. Mr. Chairman, I move, in line 2, page 4, that the figures "\$75,000" be stricken out and "\$125,000" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 2, strike out the figures "\$75,000" and insert "\$125,000."

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted.

Mr. HARRISON. Mr. Chairman, I desire to be heard, because it strikes me as a very strange and peculiar action of the Committee on Indian Affairs that in this day of intense prohibition feeling, when the prohibition sentiment has become so strong throughout this country that only two weeks ago a majority of this House voted for national prohibition, that that committee should attempt to economize by reducing the appropriation to stop the illicit sale of liquor among the Indians. I doubt that any other committee of this House would have the audacity at this time to withhold from a branch of this Government a sufficient sum to suppress this hellish traffic, the illicit sale of liquor among the Indians of this country. Especially am I surprised when I read from the hearings before the committee this language used by the assistant commissioner, Mr. Meritt. I read from page 28, where he says—and I want to say right here they asked in the estimates for this work \$125,000. That is what the Bureau of Indian Affairs desired, and went further and said they could use \$200,000. Mr. Meritt says:

In this connection I wish to say that Commissioner Sells is exceedingly interested in this item, and we both feel that a much larger appropriation than is requested could be used in the suppression of the liquor traffic among the Indians throughout the United States. The commissioner was busy at the office with important matters and could not appear before the committee to-day, but asked that I especially emphasize the urgency of a much increased appropriation for this work. We could use probably \$200,000 to good advantage in the suppression of the liquor traffic among Indians.

And yet, Mr. Chairman, notwithstanding that appeal from the Indian Department, stating that they could use \$200,000 in this work, the committee in their generosity have only appropriated \$75,000 for the work. It strikes me if there is one item appropriated for in this bill that is just this is the one item. A liberal appropriation should be in this bill to suppress this illicit liquor traffic. I am again surprised, Mr. Chairman, that with three Members on the Committee on Indian Affairs from the progressive and prohibition State of Oklahoma, where they have embedded in the very constitution of that State the prohibition of sale of liquor, that they, being on that committee, should allow an appropriation bill to come out of the committee reducing this appropriation for this most temperate, deserving, and laudable work. I sincerely hope that the Committee on Indian Affairs will repudiate their action in cutting down this appropriation by voting for my amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will not be adopted. We have given a sufficient amount of money to protect the Indians, and if the committee will turn to line 17, page 8, they will find this language:

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies and for rations for policemen at nonration agencies, \$150,000.

Now, the object of giving this \$150,000 to these Indian police was to protect the Indians of the country from the trouble that we find in the Indian country and prevent them from having intoxicating drinks.

Mr. HARRISON. Will the gentleman yield to me in that connection?

Mr. STEPHENS of Texas. I do.

Mr. HARRISON. The gentleman does not mean to say that this appropriation to employ police is used specifically for the suppression of the illicit traffic of intoxicating drinks?

Mr. STEPHENS of Texas. As the gentleman has stated, it is one of the greatest evils in the country, and one of the greatest duties these Indian police have to perform, and the great trouble they have to contend with is to prevent these bootleggers from invading these reservations. I have been on these reservations, I will say to the gentleman, and have examined into this matter very carefully, and that is one of the greatest duties that these police have to perform at the present time. If whisky is taken away from these Indians, they are peaceful people and attend to their own business strictly and do as well, if not better, than many white persons if you can stop this liquor traffic.

Mr. HARRISON. Well, if the gentleman's argument is good with respect to appropriations for the Indian police, may I ask the gentleman why he reduced the appropriation from \$200,000 in that item in 1914 and in 1915 to \$150,000 this time?

Mr. STEPHENS of Texas. For the reason that nearly all the Indians, I presume 75 per cent of them, are in States now that have State prohibition, and it is the duty of the State courts and the State sheriffs and the State constables and the entire constabulary force of every State to prevent the sale of these intoxicants; and you will find in every State where these Indians are living that the officers of the county and State are doing their best to protect the Indians from the sale of these intoxicating liquors.

And not only that, but let me state to the gentleman further that the Federal courts have jurisdiction, and the Federal courts have their marshals and deputy marshals all over the United States, and they are seeking out these bootleggers and they are sending them by swarms to the various United States penitentiaries; and the State officers are doing the very same thing.

Mr. HARRISON. Mr. Chairman, I want to say that the gentleman has made a very good argument in support of my motion.

Mr. STEPHENS of Texas. I think not, Mr. Chairman. In connection with these other means that we have of protecting these Indians we have given them a sufficient amount, and more than a sufficient amount, for this service.

Mr. FALCONER. The gentleman from Texas has just stated that quite a considerable territory that was formerly wet, where Indians lived, is now dry. The gentleman makes the argument, then, that prohibition does prohibit?

Mr. STEPHENS of Texas. It does in that territory of which I am speaking. But the gentleman knows as well as everybody else that there are bootleggers everywhere in the States. There are bootleggers in the city of Washington and other places.

Mr. FALCONER. Did the gentleman take that into consideration when the Commissioner of Indian Affairs made his representations in his report on page 22 that he could use \$225,000 in this service?

Mr. STEPHENS of Texas. They can use perhaps a million dollars, for that matter, but we do not think it is necessary. We think the Indians are perfectly protected with the amount recommended here—\$75,000.

Mr. FALCONER. Was the fact that the State of Oklahoma went dry taken into the consideration of the matter by Commissioner Sells?

Mr. STEPHENS of Texas. I can not tell what entered his mind. I can not read men's minds.

Mr. BARTHOLOMT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. BARTHOLOMT. If it costs \$75,000, or \$100,000, or \$125,000, as the gentleman from Mississippi [Mr. HARRISON] suggests, to enforce prohibition in the Indian Territory, what is the gentleman's calculation of how much it would cost to enforce national prohibition throughout the States of the Union?

Mr. STEPHENS of Texas. The gentleman is a better authority than I am on this question, and he can answer his own question.

Mr. WEBB. Mr. Chairman, I hope the amendment of the gentleman from Mississippi [Mr. HARRISON] will be adopted. It is only a difference of \$25,000.

Mr. PAGE of North Carolina. A difference of \$50,000.

Mr. WEBB. I want to offer an amendment to make it \$100,000.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment: Strike out "\$125,000" and insert "\$100,000."

Mr. WEBB. Mr. Chairman, the reason why I move to make the amount \$100,000 is because that is what has been appropriated for the last three or four years by this Congress for that work. I do not understand that the \$150,000 that is to be appropriated under another section is to be used at all for protecting the Indian nation or the Indian people from the liquor traffic. The \$150,000 that the gentleman from Texas [Mr. STEPHENS] refers to in the bill is for the purpose of keeping order among the poor Indians whom some white man has made drunk and put them in jail for disorder. It is much better to prevent crime than to punish it after it is committed, and the \$100,000 is suggested here for the purpose of preventing crime, whereas it is proposed to appropriate \$150,000 for punishing crime after the crime has been committed, due to the introduction of "firewater" by "bootleggers," usually trifling white men.

I do not think this Government has ever adopted the golden rule in its treatment of the Indian. I think perhaps the saddest page in all the history of our country is the story of the American Indian and his treatment by the white man. He is as helpless as a child when you set whisky before him. I am told that he will part with anything he has, even with his wearing apparel, in order to get whisky. I think it is bad to economize to the extent of \$25,000 when we owe to the Indian in this country every protection that can be thrown around him, and especially protection from the greatest evil that can attack him, and that is liquor. I hope the House will put the amount at least to \$100,000, which has been appropriated heretofore. The Commissioner of Indian Affairs says he can use \$200,000. I am willing to appropriate that, and even willing to appropriate a million dollars in order to protect the American Indian, who is fast fading away.

Mr. MANN. Did I understand that the Indian police were used only to detect drunkenness where it is found to exist, and not to prevent the sale of liquor to these Indians?

Mr. WEBB. I believe so, chiefly.

Mr. MANN. Is it not the duty of the police everywhere to prevent the illicit sale of liquor?

Mr. STEPHENS of Texas. Yes; but we have those special officers that were appropriated for a year ago for the purpose of preventing the importation of liquor into the Indian country.

Mr. MANN. I can not understand the argument of the gentleman, that the Indian police have no duty at all in the way of inspection and prevention.

Mr. WEBB. Their duty ought to be to detect "bootleggers"; but their chief duty, as set forth in this bill, is to "maintain order," and when they find an Indian drunk they take charge of him and put him in the calaboose, or jail.

Mr. STEPHENS of Texas. Is not that keeping order?

Mr. WEBB. I suppose the principal duty is to keep the Indians quiet after they become drunk; not for the purpose of detecting the violation of the law in regard to introducing and selling liquor in Indian country.

Mr. MANN. I suppose if they detected a drunken Indian, that would be the best way to find out that there had been an illicit sale of liquor.

Mr. WEBB. In possibly 9 cases out of 10 the poor Indian would not know the name of the man who sold him the liquor.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. FOSTER. In the hearings had upon the Indian appropriation bill, Mr. Meritt, who appeared before the committee, makes this answer to a question:

Mr. MERITT. It is one of the most important things in the Indian Service, that they be protected from liquor.

The CHAIRMAN. Then why not combine the two items?

Mr. MERITT. For the reason that we require all employees of the Indian Service to assist in this work, not only the Indian police, but superintendents and all employees of the Indian Service are expected to assist in preventing the sale of liquors to the Indian.

Mr. WEBB. If that is the case, why not appropriate \$100,000 to prevent the importation of liquor into the Indian country, or into the country adjacent to the Indian country, where the poor fellow can not get hold of it and be destroyed?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. WEBB. I ask for one more minute, Mr. Chairman.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. WEBB. Last year, as I understand, the officers who drew this fund procured indictments to the extent that fines amounting to \$91,000 were imposed upon violators of this law against the importation of whisky into the Indian country, and that \$91,000 was turned into the Public Treasury.

Mr. MANN. Was it collected?

Mr. WEBB. Of course.

Mr. MANN. Of course it was not.

Mr. WEBB. Of course it was collected. But whether that fund is self-sustaining or not, it is a bad place to begin economy. We can begin it somewhere else with a better effect and thus protect the morals and the very life of the Indian, and at the same time protect the law-abiding white men who live among the Indians. We owe it to this pitiful and rapidly disappearing race to protect them in every possible way from the ravages of whisky. I hope either my amendment or that of the gentleman from Mississippi [Mr. HARRISON] will be adopted.

Mr. NORTON. Mr. Chairman, I have a very high regard for the opinion of the present Commissioner of Indian Affairs, and I do not wish to disregard his request for any increased appropriation for this item without there being offered a better reason than has been offered by the chairman of the committee. The Committee on Indian Affairs was not able to find any evidence that would be a good or sufficient reason for decreasing this appropriation to \$75,000. A year ago, according to the report given in the hearings, \$94,964.29 was expended by the Bureau of Indian Affairs in suppressing the liquor traffic among the Indians. Some of the inspectors in charge of this work are, to my own personal knowledge, rendering excellent service in this work in some of the Western States. As the gentleman from North Carolina [Mr. WEBB] has remarked, "Prevention is the thing most desired in this matter." That can be accomplished best by the work of these inspectors. I am led to believe that the expenditures last year were not extravagant and unnecessary, and that the service needs every man now employed in this work, and that next year \$125,000 can be expended to very good advantage. So I trust that the amendment offered by the gentleman from Mississippi, raising the amount to \$125,000, will prevail.

Mr. CARTER. Mr. Chairman, the gentleman from North Carolina is mistaken about the purposes for which the Indian policemen are used. I can speak so far as my own State is concerned, because there is where I have had most opportunity to observe. One of their chief duties in the State of Oklahoma is to prevent the illicit sale of whisky to Indians, to prevent Indians getting possession of whisky. I do not think they have any jurisdiction, in Oklahoma at least, over any such misdemeanors as "drunk and disorderly." They ferret out whisky peddlers and bootleggers and give information to the proper authorities, so that they may be arrested and prosecuted. Now, the gentleman from Texas [Mr. STEPHENS], in charge of this bill, gave one very potent reason why the appropriation for the suppression of the liquor traffic might be less expensive, and that is because many of the States in which the Indians reside are prohibition States. It should not take so many officers or so much expense to enforce the law in a prohibition State as it does in a State where they have the open saloon and the sale of liquor.

Mr. NORTON. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from North Dakota.

Mr. NORTON. Has the gentleman any facts or figures, or have any facts or figures been submitted to the committee, on which the gentleman can base the statement that the amount being expended could be safely reduced? Is it not a fact that his statement to that effect is a mere gratuitous one, not based on any particular and definite information?

Mr. CARTER. No; my statement is not gratuitous. Certainly I would not say that the Indian Bureau should be held down too closely in the funds that are given them for the suppression of the liquor traffic; but my statement is based upon personal observation. Before we had statehood in Oklahoma the western half of it—Oklahoma Territory—was a wet country and whisky was sold all over it. I should say it took more money to suppress the liquor traffic among the Indians then on that side of the State and there was more drunkenness among the Indians than there is to-day. Since we have State-wide prohibition in Oklahoma, I think it should take less money to-day, and I know there is less drunkenness among the Indians than there was before we had prohibition on that side of the State.

Mr. NORTON. Does the gentleman know of a single case where an unnecessary expenditure has been made or where an unnecessary inspector has been employed in this service?

Mr. CARTER. I am not familiar with that. I could not say whether there is or not. I could not say whether they have too many or too few.

Mr. NORTON. The expenditure provided for now exceeds \$100,000 a year.

Mr. CARTER. No; they had \$100,000 last year.

Mr. NORTON. The report indicates that there are more men to be employed next year.

Mr. CARTER. They had \$100,000 last year and spent \$94,000. Now, here is one thing that we must look to when we go to make an appropriation. It is just as well to be frank with the committee. The Indian Committee expects that it is going to have to agree to more than \$75,000 for the suppression of the liquor traffic among the Indians; and, so far as I am personally concerned, I have no expectation that we can avoid appropriating \$125,000 or \$150,000. I have no intention, so far as I am concerned, to try to hamper the Indian Service in the funds it should have for the suppression of the liquor traffic; but we all know what will be done to this item when it reaches another legislative body. I have no doubt in the world that when this bill comes back to the House it will contain an appropriation for ample funds, perhaps more than the commissioner asks for.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that his time be extended one minute. Is there objection?

There was no objection.

Mr. MILLER. I want to ask the gentleman from Oklahoma a question for information.

Mr. CARTER. The gentleman can ask the question in my time.

Mr. MILLER. Has the gentleman any inside information which leads him to make the statement he has just made? By inside information, I mean, has the gentleman any information as to what the other legislative body in the Capitol is likely to do with this item?

Mr. CARTER. Like Patrick Henry, I can only judge of the future by the experience of the past.

Mr. MILLER. The gentleman will be one of the conferees. Does the gentleman really think that this item will be increased to as much as \$125,000?

Mr. CARTER. I do not think there is a particle of doubt about it, and I do not think the gentleman has any doubt about it.

Mr. MILLER. Oh, yes; I have.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. MILLER. I would like to ask the gentleman another question. Can the gentleman inform the committee how much this item was five years ago?

Mr. CARTER. I do not have that particular information at hand.

Mr. MILLER. I can tell him. When I became a member of the committee the first year it was \$40,000. As the gentleman has correctly stated, prior to that it was more expensive to enforce the liquor traffic in regions where most of the Indians are than it has been since. Notwithstanding this, the Indian Committee of the House has always favored a reasonable appropriation and has enlarged it from year to year. Does the gentleman think the state of the liquor traffic in the United States to-day, having in mind what he has said about the ease with which it can be enforced and the dry territory being enlarged—does the gentleman think that the situation in the United States is such as to justify or require a marked increase in this appropriation?

Mr. CARTER. I think there is a much closer supervision of the Indian now than has been in the past in reference to the traffic in intoxicating liquor. I think more money is being spent and more effort is being made to keep whisky away from the Indians than was formerly the case.

Mr. MILLER. Does the gentleman favor any part of this money being spent to suppress the liquor traffic among the whites?

Mr. CARTER. I will let the white man answer that for himself. I would not take any part of it away from the Indian.

Mr. MILLER. Does the gentleman think that any part of this appropriation made in this bill should be used to suppress liquor traffic among the whites?

Mr. CARTER. Not any that is appropriated in the Indian bill.

Mr. MILLER. The gentleman from Oklahoma, among his other splendid attributes, is very artful in his answers. Does the gentleman think that this appropriation should be increased above \$100,000 to enable the Commissioner of Indian Affairs to possibly enforce prohibition in white territory?

Mr. CARTER. Well, Mr. Chairman, that is a matter over which the Indian Committee has no jurisdiction, and the commissioner would not have supervision over the white man, anyway.

Mr. MILLER. Would it be legal for the commissioner to spend any part of this sum for the suppression of the liquor traffic among the whites?

Mr. CARTER. Oh, the gentleman is a so much better lawyer than I ever hope to be that I do not want him to ask me to give him an expert legal opinion.

Mr. BURKE of South Dakota. With the permission of the gentleman from Oklahoma, I would like to say that I think they could expend some part of this appropriation in enforcing the law among the whites if it affected the Indians, which might be the case, even though it involved some white people.

Mr. MILLER. I think no one could controvert that proposition.

Mr. BURKE of South Dakota. That answers the gentleman's question.

Mr. MILLER. No; my question is a little broader than that.

Mr. BURKE of South Dakota. Does not the gentleman think that that would be a good thing in some parts of his district?

Mr. MILLER. Well, having regard to the distance my district is from South Dakota, I do not think there is any need of suppressing any evil that might crop up from the outside.

Mr. FALCONER. If the gentleman will yield, is it not true, as the gentleman from Oklahoma knows, that in suppressing the liquor traffic among the Indians the white man is nearly always involved? As a matter of fact, is not the money expended in keeping the white man, the bootlegger, from selling liquor to the Indians?

Mr. MILLER. That is suppressing liquor traffic among the Indians, and that is the special purpose, and what the money ought to be used for. That is the man who ought to be suppressed, the bootlegger, also the man that stands behind the bar and sells liquor to the Indians, be he white, brown, black, or yellow.

Mr. CARTER. I understood the gentleman's question to be, Did I think any part of this money should be used to suppress the liquor traffic among the white people?

Mr. MILLER. That was exactly my question.

Mr. LENROOT. Mr. Chairman, I think the gentleman from Oklahoma in attempting to answer the gentleman from Minnesota fails to make one distinction. I would like to answer the question from my standpoint, that if liquor traffic among the whites was against the Federal law it would be the duty of Congress to appropriate money to prevent it and to enforce the law. That is all this does. Liquor traffic is unlawful among the Indians, and this appropriation is or ought to be for the purpose of enforcing the law.

Now, the gentleman from Oklahoma [Mr. CARTER] made a very novel argument a moment ago, which I do not think I ever heard before on the floor of the House, intimating that an increase was after all desirable, but that this should go as it is in order to be used as trading stock when the bill gets into conference. I do not believe that this House, in reference to this item or any other item, should fail to put into the bill what the committee thinks ought to go in at the time the House deliberates on the question. If an increase is desirable, we ought to put it into the bill now, and I do believe it is desirable, because there is nothing that can be done for the benefit of the Indians of greater importance than the suppression of the liquor traffic among them.

Mr. STEPHENS of Texas. Was not there more whisky sold among the Indians and more bootlegging done 11 or 15 years ago than there is now?

Mr. LENROOT. I think that is true, but I undertake to say that if we should spend \$200,000 it would do the Indians more good in the use of that money now for the suppression of the liquor traffic among them than in expending millions for them in other ways.

Mr. STEPHENS of Texas. Will the gentleman answer another question?

Mr. LENROOT. Yes.

Mr. STEPHENS of Texas. We commenced with \$25,000, and the appropriation has grown from year to year until they want two or three hundred thousand dollars. Where will it end?

Mr. LENROOT. I hope it will end in the complete suppression of the liquor traffic among the Indians.

Mr. STEPHENS of Texas. Is the gentleman aware that a great many Indians have become citizens of the States and vote in prohibition States, and that we are fast eliminating the Indian question and driving out whisky among the Indians with the money that we are spending? It seems that the more we do the more we are asked to do.

Mr. LENROOT. I think not; but I wish to say just this, Mr. Chairman: This money is expended not in taking the place of Indian policemen, is not expended on reservations, but it is expended outside of the reservation in the detection of persons who sell the liquor. Arresting an Indian and fining or imprisoning him does little or nothing toward suppressing the liquor traffic.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MILLER. Mr. Chairman, I am pleased to note that, as usual, the gentleman from Wisconsin [Mr. LENROOT] is interested in this highly important subject. He has Indian reservations in his district, and it is an important matter to him. I will ask the gentleman if the State of Wisconsin has laws prohibiting the sale of liquor to Indians?

Mr. LENROOT. I think not.

Mr. MILLER. The State of Minnesota has very strong laws, even stronger than the Federal law, and I was under the impression that Wisconsin had.

Mr. LENROOT. We rely entirely upon the Federal law.

Mr. MILLER. The point I was about to make is that every time we enlarge this we in some way cause the States, respectively, to relinquish their activity in this regard, and that it would not be proper, in my judgment, to increase this to a point so that the State will say that the Federal Government is going to look after the whole thing.

Mr. LENROOT. I quite agree with the gentleman in that regard.

Mr. MILLER. The only way that we can take care of the Indians in these matters is to have the active cooperation of the State governments, and that we have not had up to this time.

Mr. LENROOT. I think the gentleman is entirely correct.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MANN. Mr. Chairman, I am in favor of increasing this appropriation, and it is about the only appropriation that I know of that I am in favor of increasing. A few years ago we were making an appropriation, I think, of \$25,000, and doing the work very well. There was very little drunkenness among the Indians. We then increased it to \$50,000, then to \$75,000, and then to \$100,000, and now they want to increase it to \$125,000. While this has been going on various of the States have become prohibition States and have prohibited entirely the sale of liquor in those States, and then we passed the Webb law, which made it unlawful to take liquor into a State contrary to the law of the State. It seems that every move we make increases the need of appropriating money to enforce the nonsale of liquor to the Indians. I think we ought to prevent the sale of liquor to the Indians, yet Arizona has just gone dry, and we will need to expend more money next year in Arizona, where they can not have saloons, to prevent the sale of liquor to the Indians than we did last year when they did have saloons. That is no reflection upon the prohibition proposition, but it indicates, after all, that it is not so very easy by legislation to say that men shall not gratify their appetites if they have an opportunity. During this time we have disbanded the Indians from tribes and have made them citizens, and as fast as we make them citizens, the prohibition against the sale of liquor to them still being in existence, we have to expend more money to keep them sober. I had supposed that citizenship had a sobering influence upon ordinary people, but it seems to have an inverse effect upon our Indian citizens. The faster they become citizens, the more we need to keep them in sober citizenship.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BURKE of South Dakota. I will say that the last statement of the gentleman is an accurate statement, that there is very little trouble in enforcing the law in what is known as a closed Indian reservation, and the fact that we are opening up Indian reservations and towns are being established and white people are moving in among the Indians makes it very much more difficult to enforce the law as to prohibition than when the reservations were closed. So the statement of the gentleman is borne out by the facts.

Mr. MANN. Of course, or I would not have made it; but it also shows that these States which declare for prohibition, even

having a law making it unlawful to take liquor into the States, require something more than law to enforce prohibition.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. FALCONER. I do not know what they do in the State of Arizona, but in the State of Washington the provision of the bill was to the effect that prohibition would go into effect January 1, 1916. This appropriation covers 1916, and the State of Washington during 1916 will be no drier than it was in 1914.

Mr. MANN. If it goes into effect the 1st of January, 1916, why will it not be drier during that year?

Mr. FALCONER. It will after 1916, but we have all of 1915 to go through with it yet.

Mr. MANN. I did not refer to the State of Washington.

Mr. FALCONER. How about the State of Arizona?

Mr. MANN. Arizona is now dry, and the State of Washington will be dry theoretically from the 1st of January, 1916, and this bill covers the first six months of 1916.

Mr. FOWLER rose.

Mr. STEPHENS of Texas. Mr. Chairman, before the gentleman from Illinois proceeds I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. BRYAN. Mr. Chairman, I object to the provision that it close as to all amendments, as I have an amendment which I desire to offer.

Mr. FERRIS. Mr. Chairman, I want to ask the gentleman from Mississippi if he would not accept an amendment making it \$200,000 instead of \$100,000?

Mr. HARRISON. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MANN. What is the request?

The CHAIRMAN. That all debate on the pending paragraph and all amendments thereto close in five minutes.

Mr. BRYAN. I have an amendment that I desire to offer to the bill.

Mr. MANN. The gentleman from Washington desires to have five minutes.

Mr. STEPHENS of Texas. Then I will make it 12 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all debate on the pending paragraph and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. FOWLER. Mr. Chairman, it is a fact that there is a marked degree of progression among the Indians. Many of them are becoming civilized and are given full citizenship in a measure equal to that of the white people. I have no doubt that where the suppression of intoxicating liquor is enforced the Indians have a much better opportunity for the purposes of improvement than in those localities where the suppression is not literally enforced. The environments of a man have much to do with his progress in life, and as long as the Indian is surrounded with these debauching environments he, like mankind everywhere, will become more or less contaminated by those influences. It is no argument, Mr. Chairman, to say because it takes money to enforce prohibition that prohibition laws are not desirable. If prohibition laws have a tendency to cleanse communities, if such laws give communities a better opportunity for a higher civilization, then they are to be encouraged, the same as other good laws. I understand that there remains only \$5,000 unexpended balance out of \$100,000 appropriated for this purpose in the last bill. That being true, Mr. Chairman, I take it that it will require as much money to enforce prohibition among the Indians as it has heretofore, and in order that the work may not be checked and halted, I think this House could do itself no greater honor than to appropriate enough money to see that the Indians are protected. Mr. Chairman, it is a common practice of gentlemen who are opposed to certain measures to urge a condition of expenditure which has resulted in more or less failure, just as these gentlemen who are opposed to prohibition are urging that the expenditure of money does not secure prohibition. Neither does the expenditure of money prohibit murder, robbery, and rape. You could just as well say that you ought not to appropriate money to punish those who commit such vile crimes as to say that you should not appropriate money to enforce prohibition laws. It is the certainty of the enforcement of the criminal law that gives society security and protection from the criminal. You can not carry out this law without appropriating enough money to enforce it, and I am in favor of the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from North Carolina as a substitute to the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. WEBB. Division, Mr. Chairman.

The committee divided; and there were—ayes 10, noes 23.

So the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Mississippi.

Mr. FERRIS. Mr. Chairman, as I understood it, the gentleman from Mississippi [Mr. HARRISON] stated that he was willing to accept an amendment making the amount \$200,000.

Mr. NORTON. Mr. Chairman, I object.

Mr. FERRIS. The gentleman can not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. HARRISON. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 23, noes 12.

So the amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BRYAN: Page 4, line 2, add the following: "The sale of intoxicating liquors as a beverage within 25 miles of any Indian reservation is hereby prohibited. Any person violating this provision shall be subject to a fine of \$1,000 or imprisonment for not more than one year, or both such fine and imprisonment."

Mr. STEPHENS of Texas. Mr. Chairman, I make the point of order that this is new legislation, and therefore subject to a point of order.

Mr. BRYAN. Will the gentleman reserve the point of order for a moment under the agreement that I should have five minutes?

Mr. STEPHENS of Texas. I will reserve the point of order for five minutes.

Mr. BRYAN. While the point of order is being reserved I want to say just a word in reference to the point of order. From the argument of the gentleman from Illinois and from others here on the floor the expenditures of the Government for the suppression of the sale of intoxicating liquors to Indians is being increased from day to day, and I understand under the Holman rule any amendment which tends to decrease an expenditure is in order. Now, the point may be somewhat speculative and quite untenable as a parliamentary argument, but the prohibiting of the sale of liquor within 25 miles of one of these Indian reservations would decrease the expenditure and the expenses of the Government in enforcing the law on the reservation.

Mr. MURRAY. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MURRAY. Does not the gentleman think it will cost more to enforce such a law within a zone of 25 miles of an Indian reservation than without it?

Mr. BRYAN. We are only dealing with the cost on the reservation, not outside of the Indian reservation, and, Mr. Chairman, I hope the chairman of this committee will not do as he suggests here and make a point of order against this, although it is new legislation and subject to the point. I think that the committee ought to be very glad, inasmuch as, in principle, I understand the Democratic Party and some gentlemen over there are dry, but only in vote on national prohibition are they otherwise.

Mr. MILLER. Will the gentleman yield for a question?

Mr. BRYAN. Yes.

Mr. MILLER. Does the gentleman think Congress, if it wanted to, has authority to say that a strip of territory 25 miles outside of a reservation in a State in which the laws permitted the license of the liquor traffic should be dry?

Mr. BRYAN. I think the national sovereignty is sufficient to authorize us to protect our own reservations by creating an area about them where liquor can not be sold. We have the right to prohibit the sale of liquor within the reservations, and we have the right to prohibit it on the borders of the reservations.

Mr. MANN. Make it a thousand miles away.

Mr. BRYAN. Yes. I would like to make it within a thousand miles of the reservation. Let somebody move to amend it by making it a thousand miles. Let some of these "dry" men who vote against national prohibition do that; men who are so "dry" that you can burn them on the liquor proposition. [Laughter.] When you come in here with an amendment to wipe out the traffic in the entire country they vote "damp"; I will not say "wet." You can make it a thousand miles and

suit me that much better. This committee being an Indian Committee, and therefore a "dry" committee, it ought not to make a point of order against this amendment, and it ought to encourage us in protecting these reservations. At our military posts we have the right to create a dry area around the military posts in order to protect the military from the brothels and saloons that would gather around the posts, and I think this amendment goes to the very heart of the proposition.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Illinois?

Mr. BRYAN. Yes.

Mr. MANN. Does the gentleman think the National Government has the authority to prohibit the sale of liquor near a military post?

Mr. BRYAN. I would say "yes" to that.

Mr. MANN. I would like to know what the authority is.

Mr. BRYAN. The gentleman is a constitutional lawyer, and I understand that under the rules of this House a gentleman advocating a constitutional point has the burden placed upon him to present the constitutional authority.

Mr. MANN. It is certain that it can not be done except through the State.

Mr. BRYAN. I think the gentleman is wrong about it. If we pass it here, I know—

Mr. MANN. The gentleman himself is a great constitutional lawyer, and—

Mr. BRYAN. I know that if we pass it it will be constitutional, and if we pass it we shall be doing something substantial. I am absolutely safe in taking that position as to constitutionality, for the "if" is a very big "if" in this particular case.

Mr. HARRISON. Mr. Chairman, the gentleman from Washington says that this Committee on Indian Affairs is a "dry" committee. What authority has the gentleman for that statement?

Mr. BRYAN. I will take as the latest test the roll call that we had the other day.

Mr. HARRISON. They have just brought in a bill that reduces the amount to be expended for this service.

Mr. BRYAN. The gentleman ought to know whether his colleagues are dry or wet.

The CHAIRMAN. Does the gentleman from Texas [Mr. STEPHENS] make the point of order?

Mr. STEPHENS of Texas. I do, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and managements, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indian patients to and from such hospitals and sanatoriums, and for the correction of sanitary defects in Indian homes, \$350,000: *Provided*, That not to exceed \$90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed \$15,000, including equipment: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection and maintenance of hospitals and sanatoriums as provided for herein.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] reserves a point of order on the paragraph.

Mr. MILLER. Mr. Chairman, I have an amendment that I would like to offer.

Mr. HARRISON. Mr. Chairman, may I ask the chairman of the committee a question? I notice in this appropriation of \$350,000 it is provided that \$90,000 of it is to be used for the erection and equipment of new hospitals for the use of the Indians. Where are the new hospitals to be located and used?

Mr. STEPHENS of Texas. That is subject to the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. HARRISON. Do you propose to let him expend \$90,000 just where he wants to?

Mr. STEPHENS of Texas. They asked for that amount, and it is impossible for us to determine in advance what reservations are needing those hospitals the worst. They are acting upon the intelligence and information which they get from the inspectors out in the field concerning the urgent need of the Indians.

Mr. HARRISON. Did the Commissioner of Indian Affairs say he needed this money?

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. He did not state where he intended to build the hospitals?

Mr. STEPHENS of Texas. No; that is not necessary. I think they have general supervision of the funds, and they will build the hospitals where they are most needed.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FOSTER. Mr. Chairman, I hope the gentleman from Mississippi [Mr. HARRISON] will not make a point of order on this paragraph. To my mind this is a very important provision for the Indians. It has been demonstrated time and time again by reports made by those in authority with reference to the Indians that they are suffering from tuberculosis, trachoma, and other diseases of a character that have depopulated them very much, and something of this kind is necessary.

For instance, take trachoma: It is so important that those persons suffering from this disease should be separated from those who are not afflicted with it that it is very necessary that we should have some arrangement of this kind.

I will say to the gentleman from Mississippi that I do not believe that the discretion lodged with the department in this matter is being abused. The Commissioner of Indian Affairs is limited so that he can not establish and build and equip a hospital at an expense exceeding \$15,000. These patients with the peculiar disease I speak of, such as trachoma, which is infectious, are to be separated from the well persons. It is, to my mind, so important that if we must do anything for these Indians to prevent blindness and death among them, we ought to make some such provision.

Mr. HARRISON. Does not the gentleman think that the Commissioner of Indian Affairs ought, at least in his recommendation to the committee for this appropriation, state where he expects these hospitals to be built and where they are needed, so that the committee and the House may know about the necessity?

Mr. FOSTER. That might be so, and yet I think that in a matter of this kind, where we have confidence in the Commissioner of Indian Affairs—which I believe we have—he should have the discretion of locating these hospitals, after an investigation, where they will do the Indians the most good.

I remember when this item was up before that I took some little interest in it, because I believed it was one of the most important items in this bill then up for consideration. I submit to my friend from Mississippi that in view of the conditions that exist now among the Indians in reference to these particular diseases, such as trachoma and tuberculosis, in which the greatest care must be used if we are to stamp out those diseases and help the afflicted, we ought to have this appropriation in the bill, permitting the Commissioner of Indian Affairs to establish these hospitals and conduct them in such a way that the patients may be properly treated. They can not get that treatment while they remain in their homes in the condition in which they are, and we can only provide it by removing the Indians from their present surroundings and placing them in hospitals, where they can receive proper treatment needed to stamp out the disease. You can not cure trachoma in any other way. It requires the best care and sanitary conditions to save those people from becoming blind or from having diseased eyes as long as they live, and I suggest to my friend and earnestly beg of him that he withdraw the point of order from this provision and allow it to remain in the bill.

Mr. CARTER. Mr. Chairman, as I remember it, the Commissioner of Indian Affairs brought in separate items for either two or three hospitals, and as to this item he asked for an appropriation of a less amount than we appropriated. My eyes do not catch the amount just at this moment.

Mr. BURKE of South Dakota. The sum of \$300,000 was estimated for, for relieving distress; \$100,000 for correcting sanitary defects in Indian homes, and then there was a specific appropriation for a hospital at Fort Lapwai, and for the Sac and Fox Agency in Iowa, and the committee consolidated all of those items, which were separately estimated for, and made an appropriation of \$300,000 in all.

Mr. CARTER. So that one hospital will be located at Fort Lapwai and the other at the Sac and Fox Agency. I take it the commissioner himself is not now able to locate the others, and he may not know where to locate all of them until conditions arise in the future.

Mr. HARRISON. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman.

Mr. HARRISON. I notice in the report it says that the proposed hospital in the Choctaw Nation is to cost \$50,000. Is that one of them?

Mr. CARTER. The hospital in the Choctaw Nation in Oklahoma was built from tribal funds, and was appropriated for

in the last appropriation. No part of this money goes to any part of Oklahoma.

Mr. HARRISON. That is not included in this \$90,000.

Mr. CARTER. None of it.

Mr. Sisson. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. Sisson. How much of this money will be appropriated to sectarian institutions?

Mr. CARTER. None of it.

Mr. Sisson. Of this lump sum of \$350,000?

Mr. CARTER. To relieve distress, do you mean?

Mr. Sisson. Yes.

Mr. CARTER. None of it goes to sectarian institutions.

Mr. Sisson. It says:

Maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and management, including pay of employees—

And so forth.

Does the gentleman know that none of these institutions are under sectarian control?

Mr. CARTER. I am confident that none of them are under sectarian control.

Mr. FOSTER. If the gentleman will permit, this refers to hospitals that have been established by the Government.

Mr. CARTER. That is true. We established several of them last year.

Mr. FOSTER. Last year this item was under consideration and some of these hospitals were authorized. These are the institutions which are now being provided for, as I understand, in this bill, and this money goes to those hospitals that are so established.

Mr. Sisson. I have no objection to the gentleman's item, but I do not want any of these appropriations to be made for the benefit of any school under sectarian control.

Mr. FOSTER. No part of the money will be so used.

Mr. CARTER. This does not go to a school. It goes for hospitals.

Mr. Sisson. If the gentleman is absolutely sure that none of this money can or will be paid to any institution under sectarian control, I will not offer the amendment; but I intended to offer an amendment providing that none of this money should be paid to any institution under sectarian control.

Mr. CARTER. This money could not be paid to an institution under sectarian control. It is—

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases.

That is done entirely by the service. The only Indian institutions operated by churches are schools.

Mr. Sisson. There is nothing in this bill, however, that would prevent it, if we make the appropriation.

Mr. CARTER. I doubt if the comptroller would approve any voucher for that purpose.

Mr. Sisson. I will state frankly to the gentleman—

Mr. CARTER. Let me answer the gentleman's question. I doubt if the comptroller would approve of a voucher for an institution outside of the regular service, under this language.

Mr. Sisson. If it appears on its face I am sure he could not do it, because there is a statute providing that no money or property or anything of value shall be appropriated to sectarian institutions of any kind or character. The statute is very sweeping, but my information is that in the Indian appropriation bill somewhere there is perhaps an item under which some of the various churches are getting the benefit of some of the funds paid to the schools or to hospitals under their control, in spite of that statute.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER. Mr. Chairman, I want five minutes.

Mr. HARRISON. We are discussing this under a point of order that has been reserved. There is no five-minute limitation on that.

Mr. CARTER. While not required by the rules, we sometimes discuss these points under the five-minute rule.

The CHAIRMAN. The gentleman reserved the point of order. Does the gentleman from Oklahoma ask for five minutes more?

Mr. CARTER. Yes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that he be permitted to proceed for five minutes. Is there objection?

There was no objection.

Mr. Sisson. I want to state to the gentleman that I have no objection to his item, provided none of this money is to go to any institution under sectarian control.

Mr. CARTER. I can assure the gentleman that none of it will go to such an institution.

Mr. BURKE of South Dakota. Not only will none of it be so expended, but it can not be so expended under existing law. Not a dollar appropriated by the Indian appropriation bill can be so expended. The only money that goes to sectarian institutions is money belonging to the Indians, which may be expended as they desire; money that is due them, that they personally may direct the use of, for the education of their children in sectarian schools. No money appropriated from the Public Treasury can be so used except in fulfillment of a treaty.

Mr. Sisson. With the further permission of the gentleman from Oklahoma, in order that we may get at the truth, as I understand, some of the Indian tribes made treaties a number of years ago with churches in relation to payment out of tribal funds. A statute was passed in 1896—

Mr. BURKE of South Dakota. I want to say to the gentleman that I think he is mistaken in assuming that there were any treaties between Indians and any churches. The gentleman is mistaken in that assumption. There is a law that provides that no money appropriated out of the Treasury as a gratuity can be used in the support or maintenance of sectarian schools.

Mr. Sisson. I am thoroughly familiar with that statute.

Mr. BURKE of South Dakota. I will say that the only money that is used, and that is in accordance with the decision of the Supreme Court, is money in the Treasury belonging to the Indians under some treaty or agreement. If an individual Indian elects to take his share of that money and use it to support his child in a sectarian school, he can do it the same as the gentleman from Mississippi or I could do if we wanted to educate our child in a sectarian school.

Mr. Sisson. In the debate some years ago, in reference to the passage of this statute which the gentleman speaks of, there was something said about treaties made a number of years ago, when the Indians had tribal governments out in the Dakotas and in Oregon and Montana where they made arrangements with certain churches—Methodist, Episcopal, and Catholic Churches—to establish certain institutions to which tribes were to pay so much for the education of their children.

Mr. BURKE of South Dakota. There may have been some such discussion at the time the legislation was passed prohibiting the use of public money in supporting sectarian schools, but it may have been provided that it would not take effect until some time in the future, in order that it would not interfere with existing contracts.

Mr. Sisson. Is the gentleman sure that the contracts or treaties with the Indians have expired?

Mr. BURKE of South Dakota. I do not know anything about any treaties or agreements between the Indians, but I do know that there are no Indian tribes that pay this money; it is simply individual Indians that have a share in the funds.

Mr. Sisson. Does the gentleman know how much is paid out of the Indian funds to religious institutions?

Mr. BURKE of South Dakota. I do not recall the amount, but my recollection is that it appears in the report of the Commissioner of Indian Affairs, showing how much and where it is paid. If not in the last report, I am sure it appears in some of the reports made heretofore.

Mr. Mann. I think the only committee of the House that reports on the appropriation of money to be paid to sectarian institutions is the committee of which the gentleman from Mississippi is a member; and, if I recollect right, he is a member of the subcommittee that reports the bill that does it.

Mr. Sisson. I am conscious of that fact, and I have attacked these items as vigorously as I could and tried to get a full investigation.

Mr. Mann. There is no other committee that reports it.

Mr. Sisson. I am not so sure about that.

Mr. Mann. I am.

Mr. Carter. Mr. Chairman, the gentleman from Illinois [Mr. Foster] may give expert testimony on this item because he is a doctor, but at that he has only faintly described the deplorable health condition of the Indians. I have traveled over several Indian reservations, and it has been my privilege to make some close observations of these matters. I am sure their state of health is more deplorable than even my good friend from Illinois has surmised. Most of us are aware that the Indians' worst afflictions are tuberculosis and trachoma. Many of them live in miserably bad ventilated log cabins with nothing but mother earth for a floor, and it is a waste of time to discuss the conduciveness of such conditions to these two dread diseases.

Last fall I was traveling over an Indian reservation with a United States Senator, and we came to an Indian school. As we went into the superintendent's house we left him engaged in conversation with an Indian outside, and when he came in the

Senator said, "What were you talking to that fellow about?" The superintendent said, "He brought a child to school which has trachoma." "What did you do about it," the Senator inquired. The superintendent replied, "Sent her back home." Then the Senator asked, "How many other children has he?" "Two at home and one in school," replied the superintendent. "So," said the Senator, "you have sent this child back to infect the other children, the father and mother, and probably many others on the reservation. Why did you not keep her here?" The superintendent answered, "Because we have no hospital."

Now, Mr. Chairman, I think all medical authorities agree that the best way to cure this disease of trachoma, so prevalent among the Indians, and to keep the infection from spreading is by segregation. How are you going to segregate without proper hospital facilities? If you have a hospital, you may segregate trachoma at certain stages and effect a permanent cure. Even tuberculosis may be cured in its primary stages and relief given to patients in advanced cases if you have hospitals properly located. But without hospitals any cure or even improvement in the health condition of the Indian, so far as these two diseases are concerned, is absolutely impossible. Without hospitals you are forced to send the infected person back upon the reservation into the badly ventilated, crowded log cabin to infect his sisters, brothers, mother, father, children, and, in fact, all other members of the tribe. If there is any matter which is important, it is the health of the individual, and if there is any necessity which is urgent it is that for hospitals on or near the different reservations, where these two maladies can be properly treated and alleviated. I hope the gentleman from Mississippi will not insist upon his point of order to strike this hospital item out, thereby leaving the afflicted Indian in the deplorable condition where he can not be segregated, but must die of tuberculosis or become blind from trachoma.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. Carter. Yes.

Mr. PAGE of North Carolina. I notice that in 1914 the appropriation was \$200,000, and there was an unexpended balance of \$27,608. The current appropriation is \$300,000. Has the gentleman any information or was any given to the committee as to the probability of this money being expended, or will there be a relatively large unexpended balance for the fiscal year of 1915?

Mr. Carter. The committee has reported \$165,000, all told, less than that requested by the department. As has been stated by the gentleman from South Dakota [Mr. Burke], several other items for the health of the Indians were eliminated and all items for the care of their health were consolidated in this one item.

Mr. PAGE of North Carolina. It was \$200,000 in 1914.

Mr. Carter. Prior to this time other items had been carried in other parts of the bill, which have been eliminated.

Mr. PAGE of North Carolina. Does that account for the increase from \$200,000 to \$300,000?

Mr. Carter. Yes.

Mr. BURKE of South Dakota. I call attention to the fact that under the appropriation for the present year six hospitals are being constructed and will be ready for occupancy in July next of the fiscal year, and that that will involve an expense that we did not have last year.

Mr. PAGE of North Carolina. If the gentleman will permit, for the purpose of constructing these hospitals this amount was increased in the current law—the year 1915—from \$200,000 to \$300,000?

Mr. BURKE of South Dakota. It certainly was; yes.

Mr. PAGE of North Carolina. In the present bill you increase that amount still \$50,000 more?

Mr. STEPHENS of Texas. Will the gentleman permit me to explain that? On line 12, page 4, he will see an item for the correction of sanitary defects in Indian homes—

Mr. BURKE of South Dakota. The committee had an estimate of \$100,000, and also a specific appropriation for two hospitals, which was not included in the estimate. That refers to this.

Mr. PAGE of North Carolina. Then it was a consolidation of appropriations rather than an increase for the purpose of constructing hospitals?

Mr. STEPHENS of Texas. That is correct.

Mr. BURKE of South Dakota. Not at all. It was a decrease from the estimates, giving them the same amount they had last year, assuming that they would erect six additional hospitals costing not to exceed \$15,000 each.

Mr. PAGE of North Carolina. The purpose of the current law is to erect these other hospitals at a cost of \$15,000 each?

Mr. BURKE of South Dakota. That is the intention.

Mr. PAGE of North Carolina. I am merely asking for information and had no other purpose in mind.

Mr. CARTER. Mr. Chairman, I will say to the gentleman that there were eliminated from this bill in other items \$40,000 for a hospital at Lapwai, \$20,000 for a Sac and Fox hospital, and \$100,000 for correcting sanitary defects, which makes, in all, \$165,000.

Mr. MANN. They eliminated them from the estimates, but not from the appropriations.

Mr. PAGE of North Carolina. I was about to ask that question—if that elimination were not made from the estimates and not from former appropriations.

Mr. CARTER. From the estimates; in the bill submitted by the department.

Mr. PAGE of North Carolina. This is an increase of \$100,000 over the appropriation for the year 1914?

Mr. CARTER. Fifty thousand dollars in this item.

Mr. PAGE of North Carolina. Yes.

The CHAIRMAN. The time of the gentleman has again expired. Does the gentleman from Mississippi insist upon his point of order?

Mr. HARRISON. Mr. Chairman, may I ask the gentleman from Illinois if he knows whether or not this fund is reimbursable?

Mr. FOSTER. I think not.

Mr. HARRISON. Does the gentleman think it ought to be reimbursable?

Mr. FOSTER. My judgment is that those Indians—

Mr. HARRISON. Where they are able?

Mr. FOSTER. Where they are able, it might properly be done.

Mr. HARRISON. Mr. Chairman, I make the point of order to that part of the paragraph, lines 13 to 17, as follows:

Provided, That not to exceed \$90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed \$15,000, including equipment.

Mr. CARTER. The gentleman wants to strike out the hospitals?

Mr. HARRISON. Yes. The reason why I make this point of order is because I believe it is a bad precedent to establish for any bureau to be given that broad discretion, to spend money even to the amount of \$90,000, without first furnishing to the House facts that will warrant the expenditure and at least an idea where they expect to build these hospitals and how, and so forth.

Mr. STEPHENS of Texas. Mr. Chairman, I do not think that this is subject to a point of order, for the reason that it limits the amount carried here. It is for \$350,000, and this only designates how it shall be paid.

The CHAIRMAN. Can the gentleman furnish the Chair any law which authorizes the erection of these hospitals?

Mr. STEPHENS of Texas. Only in the general Indian law. Anything that is necessary for the purpose of their protection and welfare would come under the general provisions of the original law creating the Indian Bureau, and I think one of the most essential features of the bill is that we shall protect the health of these Indians by these small hospitals. We guard it carefully in line 17 by stating that they shall be constructed at a cost of not to exceed \$15,000 each. There is no question but that we can build hospitals for the purpose of protecting them from diseases and providing for their health and comfort, but we limit it in line 17 to a cost of \$15,000 each.

The CHAIRMAN. The Chair does not regard this proviso as a limitation on the appropriation, because it specifically authorizes the erection of new hospitals at a cost of not to exceed \$15,000 each.

Mr. STEPHENS of Texas. That is a limitation on the amount that we propose to give in gross. It is \$90,000, and we are apportioning out the \$90,000 so as to build six hospitals at \$15,000 each.

Mr. PAGE of North Carolina. Mr. Chairman, I submit to the Chair that the general language of the law that has been cited by the gentleman from Texas would not give them authority, without specific authority of law, to construct hospitals. To my mind the language is clearly subject to a point of order.

The CHAIRMAN. The Chair thinks that it is subject to the point of order. It is new legislation. The point of order is sustained.

Mr. PAGE of North Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 13, strike out the figures "\$350,000" and insert the figures "\$300,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken, and on a division (demanded by Mr. PAGE of North Carolina) there were—ayes 8, noes 14.

So the amendment was rejected.

Mr. MILLER. Mr. Chairman, I move to amend by adding, after the word "herein," in line 21, the following: "*Provided further*, That the Secretary of the Interior may employ to aid in carrying out the provisions of this paragraph physicians who have not a civil-service status."

Mr. STEPHENS of Texas. Mr. Chairman, on that I reserve a point of order.

The CHAIRMAN. Will the gentleman send up his amendment?—which the Clerk will report.

The Clerk read as follows:

Page 4, line 21, after the word "herein," insert the following: "*Provided further*, That the Secretary of the Interior may employ to aid in carrying out the provisions of this paragraph physicians who have not a civil-service status."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. STEPHENS of Texas. Would the gentleman object to adding the words "in his discretion" after the word "may"?

Mr. MILLER. I think the word "may" includes, with the following words, "in his discretion," but I have no objection to including them.

Mr. STEPHENS of Texas. I would like to have that language added, if the gentleman has no objection.

Mr. MILLER. I will accept the proposed amendment.

The CHAIRMAN. Without objection, the gentleman will be allowed to modify his amendment.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modify the amendment by inserting, after the word "may," in the first line, the words "in his discretion," so that the amendment as amended will read: "*Provided further*, That the Secretary of the Interior may, in his discretion," etc.

Mr. MANN. I reserve a point of order on that.

Mr. MILLER. Mr. Chairman, I have offered this amendment in order that I may have an expression from the members of the committee whether they really want to help the Indians. That is all this amounts to. You can appropriate all the money in the United States Treasury to suppress trachoma and tuberculosis among the Indians in the United States and at the same time tie the hands of the administrative officer to spend the money only by utilizing the services of civil-service hired doctors and you will not have gained a single step of advantage. I think that is a pretty fairly strong statement to make. I do not know but if I had more emphatic language at my command I would use that. I do not know what the attitude of the present Commissioner of Indian Affairs is upon this question, because I have never discussed it with him. I know what the attitude of other administrative officers has been in times past on this proposition. I know the evidence of my own eyes, for I have seen on many, many reservations throughout the United States evidence that is not open to doubt, not capable of unbelief. As I have stated before on other occasions, I now repeat, the civil-service process secures for the Indian Service physicians of one of two classes. Either young men just graduated from college, without training and experience and who are not at all qualified to handle the highly specialized work of combating trachoma and tuberculosis, or men who have been out of college a reasonable length of time and made a failure in their practice. A man of professional education and standing who has made a failure of his practice and who has not been able to earn a livelihood practicing his profession during a period of years in a community is not fit to spend this money and get a salary from the United States, at the same time working havoc among the Indians.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MILLER. Certainly.

Mr. JOHNSON of Washington. If the Indian Office finds it needs a physician and advertises for bids for physicians to look after the sick Indians and announces it will not pay more than \$760 per annum, what kind of a doctor do you expect to get for that sum?

Mr. MILLER. We can not expect to get any kind of a doctor, and this is as far as they can go now under civil-service rules, only it is \$720 instead of \$760. This is the limit of the amount that can be paid except to a physician secured from the civil service. This is the kind of doctors they are getting, and I know whereof I speak. It is just the kind of doctors who will spend your \$350,000, and I know whereof I speak. You can not

get physicians for \$720 a year, nor can you get a man fit to do this work for \$1,000 a year or \$1,400, the practical maximum under the civil service. Think of hiring a physician capable of entering upon this grand humanitarian work and going out among the Indians and working for their welfare, as we desire this money shall be expended, for \$1,000 a year or \$720 a year! You can not get them and you can never deceive yourself into thinking you can get them. I know the Civil Service Commission will write and request that this amendment be stricken out if we adopt it; but are you trying to protect the Civil Service Commission in having a complete control of all branches of your Government, or are you really trying to help the Indians? You can not do both.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER. I would like to have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota. [After a pause.] The Chair hears none.

Mr. MILLER. I have seen many and many a young man go out among the Indians and then remain a short time in a position he did not like, ask for a chance to be transferred, and leave, and all the period of time that was spent there was absolutely wasted, because he did nothing for the Indians except draw his salary. I have seen other physicians of middle life, of middle age. I have watched their work, and I knew that they were a failure in their profession because they made a failure of their work there. I have seen Indians moving along with legs broken and twisted, growing in an inhuman and grotesque fashion, and a physician sitting down who would not so much as bandage them up. That is the class of men you get and that is the class of men you will continue to get until you permit the Secretary of the Interior to go out and make contracts with reputable physicians who are capable of handling this great scourge. Oh, every once in awhile you can lift your hands in horror and get on your knees and pray, if you want to, that the terrible scourge of tuberculosis and trachoma will flee from the Indian, and then you come in here and tie the hands of your administrative officials so as to make it possible for the ravages of these diseases to continue. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask that the debate be limited to five minutes.

The CHAIRMAN. A point of order has been reserved on this amendment.

Mr. STEPHENS of Texas. The gentleman from Illinois [Mr. MANN] made the point of order.

Mr. MANN. I reserved it.

Mr. FOSTER. Mr. Chairman, I indorse the statement made by the gentleman from Minnesota [Mr. MILLER] in reference to the medical treatment that the Indians receive.

I was very much in hopes that when these hospitals were established the care and treatment of the Indian would be improved. It is true, as stated by the gentleman from Minnesota, that you can not get a physician, unless it is some young man just starting into practice and wants a little experience, to go out and take charge of one of those places, or else some one who has been a failure in the practice. I hope the time will come when the medical department of the Indian Service will be transferred to the Public Health Service, where I have always believed it ought to be. To-day we have scattered through different departments of our Government a lot of medical services that ought to be placed under the control of the Public Health Service. I do not mean by that that we should establish a great public health service, but I do believe you would get better work and better service if it were placed in the hands of that particular bureau which is looking after that kind of work all the time.

The Indian Commissioner, of course, is limited in the amount of money that he can pay to these physicians, and if this restriction is taken away, as the gentleman says, it will permit him to employ men who will be able to give better service.

Mr. MANN. Where is the limitation?

Mr. FOSTER. That is the amount that he can pay under the civil service. I understood that from the statement of the gentleman from Minnesota.

Mr. MANN. You should not take all the gentleman's statements seriously.

Mr. FOSTER. If the present law fixes the amount that can be paid for these physicians—

Mr. MANN. The law does not fix it.

Mr. MILLER. I beg the gentleman's pardon. The law does fix it. Fourteen hundred dollars is the maximum that can be paid in the Indian Service for a physician.

Mr. MANN. There is no such law.

Mr. FOSTER. I hope my colleague is right in the statement that there is no such law as fixes the salary of these physicians.

Mr. BURKE of South Dakota. I will say to the gentleman that I think it is a regulation of the department.

Mr. FOSTER. Then, the department could get physicians at a price commensurate with the service they render. As it is now, no physician wants to go out there and work for \$60 a month any more than a lawyer would go out and look after the legal affairs of the Indians at \$60 a month. Let us have a better service, and let us give these Indians better medical treatment than they have been having in the past. I am in favor of the amendment offered by the gentleman from Minnesota [Mr. MILLER]. I am willing to try it. I do not believe it is possible to make the conditions any worse than they are now, and perhaps if we try it we will find that the conditions will be improved.

Mr. MANN. Mr. Chairman, my friend from Minnesota [Mr. MILLER], who is so very extreme in his statements that he destroys the efficacy of them very often, proposes an amendment to the effect that these physicians shall not be under the civil service. Why, all the Government officials except those in the military service are under the civil service, and the term which my friend uses is not known in the law, carrying the meaning with which he inserts it in his amendment. If they were not under the civil service, they would be under the Army service or the Navy service.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; for information.

Mr. MILLER. I want to ask the gentleman a question.

Mr. MANN. Well, make it short.

Mr. MILLER. Is not the language "a civil-service status" of common understanding and knowledge and acceptance?

Mr. MANN. It is frequently used by gentlemen not familiar with the law, but it is not used in the statutes. This is a proposition to insert it in the statutes, that these people shall not have a civil-service status, when that is the only status they could have except a military status.

However, I know what the gentleman wants to get at. He wants to provide that they shall not be appointed from the eligible list under the civil-service law. That is a matter now resting in the hands of the President. The department can ask the President any day to take these employees out from the classified service. That is the proper term. Then they can be appointed as they please. The only limitation on the department now is the order of the President putting them in the classified service and the amount of the appropriations. They can pay a man \$100,000 a year, so far as the law is concerned. Of course they would not do it.

Now, the gentleman from Minnesota thinks the only kind of physicians they get at this salary is either young men just out of college or men who have made a failure of the practice of medicine, and my friend and colleague from Illinois [Mr. FOSTER] suggests that it would be better if the Indians could be turned into the hospitals and there receive treatment. Who is it that takes care of patients in the hospitals? The internes and the nurses—both classes being there to learn, and practically without salaries. Who does the most of the work in the hospital? If these Indians were put in the hospitals, in the ordinary hospitals, they would receive their treatment from the interne, who was receiving no salary, or practically no salary, and from the nurse, who is receiving no salary, but who is learning the business.

Mr. MILLER. How many internes or nurses would the gentleman expect there would be in a hospital costing \$15,000 for construction and equipment? The gentleman knows there would be no internes and that most of the work would be done by the physician himself.

Mr. MANN. I do not know how many internes there would be in those hospitals, but in the great hospitals throughout the country, where patients receive much better treatment than they would receive in these Indian hospitals, the patients receive their care and treatment from the internes, and when these internes have had their training in the hospitals they go out into the practice. So far as I am concerned, I would rather trust them than trust an old practicing physician who has forgotten most of what he learned in his youth and has not kept himself up to date.

It does not require a great amount of knowledge to treat tuberculosis. The gentleman says it requires a great physician to treat it. The treatment is well enough known not to require the administration of a physician at all. It is necessary to have some one to make the people afflicted take the treatment prescribed. I do not think it is the duty of Congress to interfere in this matter. If the department wishes to take physicians outside of the classified service, all that is needed is to

recommend that to the President with sufficient force and the President under the law has the power to do it.

Mr. MILLER. Does the gentleman think the President would take such action?

Mr. MANN. I believe he would if the gentleman's statement were correct.

Mr. MILLER. There is no question about the correctness of the statement.

Mr. MANN. Well, the gentleman makes very extreme statements sometimes.

Mr. MILLER. This is an extreme case.

Mr. MANN. Of course I know the gentleman thinks that is so, but the gentleman makes some statements that are so extreme that I am satisfied they are beyond the verities, and I think some of his other statements are also in error.

Mr. MILLER. The gentleman must recognize that there are some things beyond the experience of the gentleman from Illinois.

Mr. MANN. Of course the gentleman always runs into that, and I do not pretend to know as much about Indian affairs as the gentleman from Minnesota does, yet only a moment ago the gentleman insisted that there was a law regulating the salaries of physicians. I challenge that statement. I should like to see him produce the law.

Mr. MILLER. I will produce the law, or a rule which has the force of law.

Mr. MANN. A rule which can be changed to-morrow is not law. If the department wants to change the rule, they can change it. Give the department the reasons, and they probably will change it.

Mr. MILLER. If the gentleman will yield again, I will say that I have had this up with the Commissioner of Indian Affairs many times, and upon investigation he has always told me that he did not have the authority; that he was compelled by law to restrict the appointment to these classes, as I have indicated. I also had it up with the Civil Service Commission at one time, and they refused to acquiesce in the recommendation.

Mr. MANN. The Civil Service Commission are not the judges. The President is the judge. Let the Indian Department take it to the President. The President will want to do what is right and fair about it, and if such a state of facts exists as my friend from Minnesota thinks, I believe the President will take action. But if my friend from Minnesota is over-zealous, perhaps the President will not agree with him. I make the point of order.

The CHAIRMAN. The Chair thinks the amendment is open to the objection of being legislation, and the point of order is sustained.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I have a statement prepared by the Indian Office giving a description of the hospitals that are being erected upon Indian reservations which I wish to read, which is as follows:

The hospitals selected to comply with the provisions of the current appropriation act for the construction of hospitals to cost not more than \$15,000 each are of simple but substantial frame construction, of the pavilion type, with a two-story central building, flanked by one-story wings.

On the first floor of the central portion are located the dining room and kitchen, the latter being provided with a screened porch and refrigerator room.

On the second floor are located four employees' rooms, a bathroom, and a closet for each employee's room.

In the wings are located sitting, locker, bath, and toilet rooms, and two wards, with a capacity of 30 patients, which capacity may be increased to 38 by utilizing open porches located at the front of the sitting rooms. The front wall of each sitting room is provided with glazed and screened windows in box frames, taking up practically the entire front-wall space.

The wards are of the open pattern and all walls are provided with screened and glazed triple-sliding sash and screened and glazed transoms.

A steam-heating equipment is provided for each hospital, also drainage and lighting systems.

The capacity of the proposed hospital in the Choctaw Nation, Okla., to cost \$50,000, is 80 patients, 20 of whom are to be placed in tent houses.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the word "further," in line 17, on page 4, after the word "Provided."

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 17, after the word "Provided," strike out the word "further."

The amendment was agreed to.

Mr. HARRISON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 13, after the figures "\$50,000," insert the following:

"Provided, That where any Indian tribe has to its credit funds in the Treasury of the United States, the amounts so expended herefor shall be reimbursable therefrom."

Mr. STEPHENS of Texas. I make a point of order against that amendment.

Mr. HARRISON. What is the point of order?

Mr. STEPHENS of Texas. It is new legislation on an appropriation bill.

Mr. HARRISON. It seems to me this amendment is in the interest of economy. It will make a saving and a reduction of expenditure. It is a retrenchment, because if this money, amounting to \$350,000, is expended and these Indian tribes have funds in the Treasury of the United States to their credit, they must reimburse the United States Treasury for the expenditure here made, and there will be that much saved to the Treasury of the Government. It seems to me that the point of order is not well taken.

The CHAIRMAN. The Chair thinks the point of order is well taken. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including the support and education of deaf and dumb and blind Indian children not to exceed \$40,000, \$1,440,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free-school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That not more than \$50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Mr. STEPHENS of Nebraska. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. I should like to know the object of restricting the appropriation for tuition in public schools, limiting it to \$50,000.

Mr. STEPHENS of Texas. The gentleman refers to the provision in lines 12 to 14, on page 5?

Mr. STEPHENS of Nebraska. Yes.

Mr. STEPHENS of Texas. It provides that not more than \$50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools. That is an increase over the amount appropriated last year.

Mr. STEPHENS of Nebraska. I understand that it is the disposition of the committee to favor increasing the education of Indian children in the public schools, rather than transporting them to distant parts of the country to be educated.

Mr. STEPHENS of Texas. That is the idea, to educate the children on the reservations.

Mr. STEPHENS of Nebraska. So this is an increase and not a decrease?

Mr. STEPHENS of Texas. Yes.

Mr. CARTER. It is an increase from \$20,000 to \$50,000—a \$30,000 increase.

Mr. FERRIS. Does the gentleman think that is enough?

Mr. STEPHENS of Texas. It is enough for experimental purposes. So far the matter is in the experimental stage, and it has worked well as far as it has gone.

Mr. FERRIS. The Indians usually allot their lands up and down creeks and streams, seeking to get bottom land and timber, which are considered more desirable for the Indians. There are some neighborhoods where the land is practically all allotted, and there is not enough taxable land to pay for conducting public schools at all. Often the white children have to pay tuition in addition to the regular school tax. Then and in that event, where Indian children can not be sent away—and often it is not best to send them away—it would seem to me that the commissioner ought to have a larger sum than that to help carry along the schools.

Mr. STEPHENS of Texas. It is in the experimental stage.

Mr. FERRIS. If the Indian Commissioner and the Committee on Indian Affairs think this all that is necessary, of course I am willing to trust their judgment.

Mr. BURKE of South Dakota. I should like to say that the comptroller has held that no part of the money that we are proposing to appropriate can be used to pay for the tuition of any child who is under the law of the State in which he resides permitted to attend the public schools, and that it can only be used for paying the tuition of such Indian children as may belong to some tribe where the parents have not received their allotments or are not citizens of the United States and not tax-

payers. I have in my hand an opinion rendered by the Comptroller of the Treasury in which he so decides, and I thought perhaps the gentleman from Oklahoma would be interested in knowing about it, and that no part of this appropriation can be used to pay the tuition of Indian children who can be admitted to public schools.

Mr. FERRIS. I was not aware of that decision mentioned by the gentleman from South Dakota; but, if that is true, not a penny of this appropriation can be used in my State. The statute admitting my State to the Union provided that all full citizens could exercise every function of a citizen. This would be of no help to us at all. It would seem to me that this provision ought to be broadened so as to authorize or allow the commissioner to expend some of the fund in meritorious cases. For instance, there is a tribe of Indians in Oklahoma that have allotted money on deposit, and who really have more money than the white settlers. They live in an allotted community where they have allotted lands up and down the stream and do not have any taxable property to maintain any school. The children who do not go to tribal schools away from home do not get any education at all.

Mr. STEPHENS of Nebraska. I want to ask the gentleman if children who are allowed to attend the public schools are not allowed tuition out of this appropriation?

Mr. BURKE of South Dakota. I will say that it came to my notice that the comptroller made this decision, and I wrote to the Indian Office to know what State there was that had a law prohibiting Indian children from attending the public schools, and in his reply he says:

You also request to be advised if in any State children of Indian citizens are prohibited from attending public schools. Attorney General D. M. Kelly, of Montana, in his letter to the office of February 21, 1914, quotes the law of Montana as follows:

"All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to the number of school census children between six and twenty-one years of age, as shown by the returns of the district clerk for the next preceding school census: *Provided*, That Indian children, who are not living under the guardianship of white persons, shall not be included in the apportionment list unless the parents thereof are citizens of the United States or have taken land under the allotment and severalty act of Congress and have severed their tribal relations."

After discussing this law he concludes his letter as follows:

"It occurs to me that, in view of the Federal legislation upon the subject (Secs. 2071 et seq. Rev. Stat. of the U. S.) it was never intended to impose upon the State the burden of educating Indians so long as they remained wards of the general Government, hence I conclude that only such Indians as have the status of those mentioned in our school law, supra, may be enrolled as students in our public schools."

As far as the office is aware, Montana is the only State that has questioned the right of children of citizen Indians to attend public schools on the same terms as white children.

Mr. STEPHENS of Nebraska. And receive a portion of this fund.

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Nebraska. The children of an Indian who is a citizen can go to a public school, and they receive tuition from the appropriation carried in this bill.

Mr. BURKE of South Dakota. That is what the comptroller says, that Montana is the only State that has questioned the right of Indians to attend school on the same terms as white children.

Mr. HARRISON. Mr. Chairman, I move to strike out the last two words. I want to ask the gentleman from South Dakota a question. Is there anywhere in this bill an item appropriating money for the education of Indians in the public schools or common schools of any State?

Mr. BURKE of South Dakota. Yes; there is an item that appropriates money for public schools in the State of Oklahoma of, I think, \$275,000. It has been carried in the bill for a number of years.

Mr. HARRISON. That is out of the funds of the Indian tribe?

Mr. BURKE of South Dakota. No; that is an appropriation made from the General Treasury, the same as what is appropriated by the item in the bill now being considered.

Mr. HARRISON. That is the only instance?

Mr. BURKE of South Dakota. That is the only one I recall.

Mr. HARRISON. Does the gentleman think that money ought to be appropriated out of the Federal Treasury to assist the common schools of any State?

Mr. BURKE of South Dakota. That is a question that I do not care to discuss at this time.

Mr. MANN. We tried to knock it out a number of years ago, but the gentleman from Mississippi voted for it.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. STEPHENS of Nebraska. The tribe of Indians living in my own State are not taxpayers. That is, their lands are not taxed under the laws of the State; they are still held in trust

by the Government. The schools on the reservation are maintained and paid for by white people who have bought Indian lands. So the whole burden of the support of the public schools rests on the white people. There is a provision no doubt somewhere in the bill providing for the payment of tuition of Indian children that attend these public schools. The tuition rate is very small and does not begin to pay the pro rata share of the Indian of the cost of his schooling, but some way and somehow the Indian Department is able to pay the tuition of the Indian children who attend the public schools supported entirely by the white people, and it is proper that the bill should carry an appropriation for the education of Indian children in the public schools where the Indian pays no tax.

Mr. MANN. Mr. Chairman, this item of \$1,440,000 for the support of the Indian day and industrial schools presents an interesting proposition. Under the act of March 3, 1887, the Secretary of the Interior is required to make annually a report of the expenditures of this money, and this year he has made such a report, found in House Document 1285, submitted to the House on December 7. I find from that report, for instance, and the report is required to give the manner and for what purposes the general educational fund for the preceding fiscal year has been expended, the number and kind of schoolhouses erected, their cost, as well as the cost of repairs, the names of every teacher employed and compensation allowed, the location of each school, and the average attendance of each school.

I find, for instance, that at the Camp Verde day school, located at Camp Verde, Ariz., the average attendance of pupils was 25; that Mary Noyes is the name of the teacher, who receives a salary of \$720 a year, while the total expenses of the school amounted to \$2,871.95.

The teacher of these few pupils receives a salary of \$721 a year, but where the rest of the \$2,871.95 goes I do not know. It looks like a rather large sum for the expenses of the school—for janitor service, fuel, light, heating, and anything else of that sort. At the Canyon Day School, at Fort Apache, there are 38 pupils in attendance. Mr. Schriver is the teacher, at a salary of \$780, and yet the total expense of this Fort Apache day school is \$4,206.58. At the Havasupai Day School, at Supai, Ariz., there are 32 pupils in average daily attendance, and Miss West, the teacher, receives a salary of \$720. Yet while the total expense of that school is \$3,655.72, the teacher gets but \$720. I might go through the whole list of these, but I will not take the time to do so. I desire, however, to call attention to the one which I think takes the cake. That is the Soboba School, at San Jacinto, Cal. There is an average daily attendance there of 10 pupils, and Miss May Stanley, teacher, receives a salary of \$900 a year for teaching that school. The total expense of the school is \$8,995.25.

Mr. GARNER. How much per student?

Mr. MANN. A little over \$800 per student. Of course it would be far cheaper to pick up these Indians and send them to Harvard or Vassar. I would like to have some distinguished member of the Committee on Indian Affairs who knows all about this explain just what this money is expended for. Of course I suppose there is some explanation.

Mr. STEPHENS of Texas. What case is that?

Mr. MANN. The Soboba Day School.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course all of the information I have is the information contained in the report of the Secretary of the Interior, which is supposed to give accurately the expenses of these schools paid out of this appropriation.

Mr. STEPHENS of Texas. On page 8 the gentleman will find the item. Five thousand five hundred and eighty-seven dollars are paid out for wages and salaries.

Mr. MANN. Yes. I will read the items, if that will satisfy the gentleman. In salaries, wages, and so forth, at this school the amount paid out is \$5,587.66. What the "etc." is, I do not know. Does the gentleman? For traveling expenses, \$318.60; for heat, light, and power services, \$253.73; for communication service, \$30.50; for subsistence, supplies, \$265.71; for dry goods, wearing apparel, and so forth, \$38.97; for forage—forage for pupils!—\$276.94; for fuel, illuminants, lubricants, and so forth, \$549.07; for educational supplies—they do not require much for educational supplies—\$15.68 [laughter]; for equipment, material, and so forth, \$1,340.31; and for miscellaneous, \$49.96, making a total of \$8,995.25. And it is paid out of this appropriation for support of day and industrial schools.

Mr. GARNER. Is that appropriation made in a lump sum?

Mr. MANN. Yes.

Mr. GARNER. Who is responsible for the appropriation of this lump sum?

Mr. MANN. I do not know who is responsible, and I do not say that there is no explanation of this; but it certainly is not given in the annual report which the Secretary is required to make and does make to Congress.

Mr. STEPHENS of Texas. This is an industrial school.

Mr. MANN. Ten pupils at an industrial school at a total cost of \$8,995.

Mr. STEPHENS of Texas. It is just being started.

Mr. MANN. Would it not be better to close it up? Since when did it become profitable for us, if the gentleman be correct, and I doubt that, to maintain an industrial school for 10 pupils at an expense of \$9,000 a year? I say that probably they can make an explanation, but if it be the fact, as is suggested by the gentleman from Texas in charge of the bill, that they are paying \$9,000 a year for teaching 10 pupils in an industrial school, then they better shift them somewhere else and provide for better education. Here is a lump-sum appropriation. That is one thing. There are a whole lot of these items in this report. I have read only four of them, although I think possibly I have read the one that is the most striking.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. GARNER. Considering the statement the gentleman has just made with reference to one school, would not the Congress be safe in reducing this appropriation \$100,000, and seeing if they can not take care of it a little more economically?

Mr. MANN. I do not undertake to say that. I do not draw my conclusions simply by reading a part of a thing until I get the full information. I do not know whether the committee would have full information in reference to this, but this is all of the information that I get from the report, and I think possibly that even calling attention to it in this way will provide further information in the future, so that we will know more about it; but I am sure that Mr. Secretary Lane would not for a moment think of maintaining an industrial school at an expense of \$9,000 a year to take care of 10 pupils.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I desire to correct the statement I made a moment ago, and I would like the attention of the gentleman from Oklahoma [Mr. FERRIS]. I called the gentleman's attention to a decision of the comptroller and stated the substance of it, basing what I said upon the statement made in the report of the commissioner for the last fiscal year, on page 6, as follows:

Until recently the office paid tuition in order to procure the enrollment of Indian children in public schools where their parents were not taxpayers. It became necessary to modify this plan, however, for the Comptroller of the Treasury, in a decision of October 22, 1913, ruled that the Federal Government was not authorized to pay tuition of Indian children legally entitled to attend the State public schools.

When I made the statement that I did and quoted from the commissioner's letter, I had not finished the reading of the letter which had just been handed to me. Since making the statement I have read the letter in full, and I now wish to read from it as follows:

You also request to be advised if the decision of the Comptroller of the Treasury referred to on page 6 of my annual report, which prohibited the payment of tuition of Indian children in public schools where the State law entitled them to attend, would prevent the carrying into effect of the appropriation provided to aid the common schools of the Five Civilized Tribes of Oklahoma. The decision referred to was that of October 22, 1913, wherein the comptroller said:

"Contracts covering tuition of Indian pupils in a form like the contract considered in the decision of August 19, 1913, when made with reference to Indian children residing in States whose laws give them the full and free privilege of attending the public schools without reference to whether their parents pay taxes and whether or not the General Government pays something for their schooling, do not, as pointed out in said decision, involve any good and sufficient consideration for the payment by the United States of 'tuition fees' on their account. Under such contracts the school authorities neither give nor agree to give anything in return for the money paid or to be paid them by the Government. Such contracts, covering 'tuition' of Indian children in California or any other State where such children are entitled by law to all the school privileges that other children have, providing, as they do, for the furnishing of nothing that would not be furnished just the same if such contracts were not made, have no legal consideration to support them and are therefore unauthorized."

In order to obviate the difficulty presented by this decision a special provision was inserted in the paragraph providing for the support of Indian schools for the fiscal year ending June 30, 1915 (Public—No. 160, 63d Cong., p. 3), as follows: "That not more than \$20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in public schools."

The Comptroller of the Treasury in a later decision of September 19, 1914, said that this appropriation was available for the purpose stated "in the discretion" of the Department of the Interior.

The office has assumed that contracts for the payment of tuition of Indian children in public schools to be paid from this fund would be legal and not subject to the comptroller's decision quoted above of October 22, 1913, wherein he held such contracts unauthorized because

they did not have legal consideration. Your attention, however, is called to the fact that the appropriation in aid of the common schools of the Five Civilized Tribes of Oklahoma is not paid to the various school districts under contract, but paid to the school districts directly by the cashier and special disbursing agent for the Five Civilized Tribes, in accordance with rules governing the distribution of this fund approved by the Secretary of the Interior October 3, 1914. No contracts are used in the disbursing of this fund.

It will appear by this statement of the commissioner that the language inserted in the appropriation bill for this fiscal year, providing that a portion of the appropriation may be expended for the tuition of Indian children enrolled in public schools has resulted in a decision by the Comptroller of the Treasury on September 19, 1914, changing his decision of August 19, 1913, and holding that it is within the discretion of the Secretary of the Interior to use the money for that purpose. I make this statement to correct what I said before, in order that no one will be misled in the matter.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. COOPER. Mr. Chairman, I would like to ask the chairman of the committee if the last clause, line 24, page 4, beginning with the word "including," would not be better English if it were made to read this way: "Including not to exceed \$40,000 for the support and education of deaf and dumb and blind Indian children?"

Mr. STEPHENS of Texas. The gentleman will find it in line 1 up here.

Mr. COOPER. As it is now it ought to be stricken out, for it is not good English the way it reads now.

Mr. MANN. They had the word "for" in last year, and it ought to be in now.

Mr. STEPHENS of Texas. I have no objection.

Mr. COOPER. Then, Mr. Chairman, I offer the following amendment. The language does not read well as it is now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 1, strike out the words and figures "not to exceed \$40,000," and on page 4, line 24, after the word "including," insert the words and figures "not to exceed \$40,000 for."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including sewer, water, and lighting systems in connection therewith, and for the purchase of lands necessary for school and agency purposes, \$400,000: *Provided*, That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on this paragraph. May I ask the chairman of the committee in reference to line 17, page 5, where it says, "and for the purchase of land necessary for school and agency purposes"?

Mr. STEPHENS of Texas. Does the gentleman make the point of order on the purchase of land necessary?

Mr. HARRISON. Yes, sir.

Mr. STEPHENS of Texas. I hope the gentleman will not do that. It is subject to a point of order; I will admit that.

Mr. HARRISON. I was going to ask the gentleman, however, in the hearings what facts were presented to the committee about public schools and agency purposes that necessitated their having more land.

Mr. STEPHENS of Texas. I will state this: Very often these school reservations are made near a town, and it becomes necessary to open up roads from the towns and streets into the land occupied by these Indian reservations, schools, and so forth; and very often when they enlarge the schools they do not have sufficient room for the houses, hospitals, dormitories, and so forth, necessary.

Mr. HARRISON. What statement did the commissioner make in reference to the need for this land?

Mr. STEPHENS of Texas. It is left in the discretion of the Secretary of the Interior and the Commissioner of Indian Affairs to determine as to how much they will purchase, but they said in some instances they have to purchase additional land which is necessary, but it is never more than a few acres, and in most instances not more than half an acre.

Mr. HARRISON. Does the gentleman recall any instances that the commissioner stated the procurement of land for this purpose was necessary?

Mr. STEPHENS of Texas. I think the hearings will show as to that, if the gentleman will look at them.

Mr. HARRISON. I was just asking the gentleman because I was sure the gentleman had the information.

Mr. STEPHENS of Texas. If the gentleman insists on his point of order it will have to go out.

The CHAIRMAN. Does the gentleman from Mississippi insist on his point of order?

Mr. HARRISON. Mr. Chairman, I make the point of order against lines 17, 18, and 19, which read:

And for the purchase of lands necessary for school and agency purposes.

Mr. STEPHENS of Texas. Mr. Chairman, I admit the point. The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including sewer, water, and lighting systems in connection therewith, and for the purchase of lands necessary for school and agency purposes, \$400,000: *Provided*, That the Secretary of the Interior is authorized to allow employees in the Indian Service, who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *Provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. MANN. Mr. Chairman, I move to strike out the last word. At the bottom of the proviso in this paragraph is the language:

Provided further, That the amount so expended for agency purposes shall not be included in the maximum amount for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. STEPHENS of Texas. What is the gentleman reading from?

Mr. MANN. From the bill, because there is no such thing as the act referred to.

Mr. STEPHENS of Texas. Now, what is the question the gentleman raises?

Mr. MANN. I just called attention to the sloppy way of getting up the bill. It refers to the compensation provided for in section 1 of a certain act, but there is no such compensation covering those employees, but there is a reference about some other employees and some other act. That is all there is to it. It is not the fault of the committee; that is the way the estimates are sent down, I suppose.

Mr. STEPHENS of Texas. We followed the estimates and the old bill.

Mr. MANN. Without ever looking to see whether they were correct or not. I had more curiosity than the gentleman or his committee have.

Mr. STEPHENS of Texas. That last remark is gratuitous.

Mr. MANN. Of course, they would not have kept it in there if they had.

The Clerk read as follows:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$72,000: *Provided*, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska.

Mr. HARRISON. Mr. Chairman, I reserve a point of order on this paragraph. I desire to get some information from the chairman of the committee. In line 8, page 6, it reads:

Provided, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment.

Has it always been the policy of the committee to appropriate money to pay the transportation of these Indian youths to schools and from schools and to places of employment, and to appropriate money to get them a job?

Mr. STEPHENS of Texas. That has been done for a number of years around industrial schools, in the Phoenix School, Carlisle, and numerous others, where the superintendents of those schools for a number of years have looked out for the employment of these girls and boys in their schools. The girls are hired out, or hire themselves out. The superintendents see that they make good, and see that they are in the hands of proper employers, and that they attend to their ordinary duties as cooks, laborers, and so forth, right along the lines of the industrial school which they have just attended.

The young men are hired out among the farmers. Some of them have been trained as blacksmiths and tailors and shoemakers, and all that, and places are sought for those, and six months' employment at times is given to them. It is a great advantage to the pupils to mix them among the white people throughout the country, and it is a great advantage to the Indian Service.

Mr. HARRISON. Do I understand from this paragraph that the Government has persons employed to go around and collect

these Indian youths and encourage them to get remunerative jobs with white families?

Mr. STEPHENS of Texas. That is the duty of the superintendents and the teachers.

Mr. HARRISON. How many persons are employed to do this?

Mr. STEPHENS of Texas. You will find that in the hearings. There are several hundred pupils placed that way every year.

Mr. HARRISON. Can the gentleman give me any idea at all as to how many are employed?

Mr. STEPHENS of Texas. I have been told that about 100 are employed in the Carlisle School and not so many in the school at Phoenix. That is true at Chillico and at other places.

Mr. HARRISON. I do not think the gentleman understood my question. Does the Indian Service have persons employed to go all through the United States and even up to Alaska—because this provision extends to Alaska—and collect young Indians and carry them to the schools and then take them away from the schools and then get them remunerative employment in families?

Mr. STEPHENS of Texas. I understand the teachers of the schools during the vacation look out for the pupils, for their vacation next year.

Mr. HARRISON. Then, the Government has no persons employed for that particular service?

Mr. STEPHENS of Texas. Not especially.

Mr. HARRISON. If they have not any persons particularly employed for that special work, then the teachers do that work, and they are provided for in other appropriations in this bill, are they not?

Mr. STEPHENS of Texas. As to that, I yield to the gentleman from Oklahoma [Mr. CARTER], who can best answer the gentleman.

Mr. CARTER. They have a regular office in the Indian Bureau called the Indian Employment Bureau, with an educated Indian at the head of it, and it is his business to look after the interests of Indian employees in the Indian Service and after the employment of Indian people. I assume that part of the money carried in this item is for the purpose of getting employment for children when they have finished their courses at the industrial schools, and that these schools have persons employed for that purpose.

Mr. HARRISON. But, from the reading of it, it looks as though the Government collected and transported these children to the Indian schools and public schools, as well as transported them from the Indian schools and public schools.

Mr. CARTER. It says, "For collection and transportation of pupils to and from Indian and public schools." That is one proposition. And then there is another, "and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training." That is another proposition.

Mr. HARRISON. Yes.

Mr. CARTER. The transportation applies to the Indians when they go to and from school?

Mr. HARRISON. Yes.

Mr. CARTER. Then there is the provision made for the man who looks after getting them employment when they complete their school courses.

Mr. HARRISON. Then, in this bureau that the gentleman speaks of, there are persons employed whose duty it is to go throughout the country and collect the Indian children who are sent to these industrial schools?

Mr. CARTER. Not in the bureau.

Mr. HARRISON. Then, who does that service?

Mr. CARTER. Does the gentleman ask who sends the children to school?

Mr. HARRISON. Yes.

Mr. CARTER. I think the superintendents on the reservations mostly look after that.

Mr. HARRISON. I notice the last clause in this paragraph states—

That the provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska.

Mr. CARTER. Yes.

Mr. HARRISON. Does the Government, under this appropriation, bring these youths from Alaska down to the various places in the United States and get them employment?

Mr. CARTER. They do.

Mr. MANN. They put them in the side shows. [Laughter.]

Mr. HARRISON. How many cases does the gentleman recall where that has been done?

Mr. CARTER. I have seen several Alaskan pupils in the schools.

Mr. HARRISON. That is pretty expensive, is it not?

Mr. CARTER. Yes; I should judge it is quite expensive.

Mr. HARRISON. The gentleman really thinks that this appropriation ought to stay in the bill, does he?

Mr. CARTER. I voted to report it.

Mr. HARRISON. Mr. Chairman, I withdraw the point of order.

Mr. STEPHENS of Nebraska. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska [Mr. STEPHENS] moves to strike out the last word.

Mr. STEPHENS of Nebraska. I want to ask the gentleman from Oklahoma [Mr. CARTER] if any of this \$72,000 for transporting pupils to schools is used for transporting pupils from Nebraska, for example, to the Carlisle Indian School, in Pennsylvania?

Mr. CARTER. If any of them are there, it is.

Mr. STEPHENS of Nebraska. A great many of them are there. I notice that this bill carries an appropriation of \$189 per capita for the Carlisle Indian School pupils and \$160 per capita for pupils at the Genoa Indian School in Nebraska, and many of our Nebraska Indian children are now in Carlisle. Does the gentleman believe that practice ought to be continued?

Mr. CARTER. I do not believe so, if your school in Nebraska can accommodate them.

Mr. STEPHENS of Nebraska. The Nebraska school has capacity for 400 children, and the committee has provided for a capacity of 375 children and it has appropriated \$160 per capita.

Now, then, it would seem to me that this transportation of pupils from Nebraska to Pennsylvania ought to be stopped, and that the Nebraska Indian children that are to be educated should be compelled to go to the Nebraska institution. Does the gentleman know of any way whereby that can be brought about?

Mr. CARTER. Well, if your schools cost less per capita I think certainly the Nebraska schools should be filled before the charge of transportation across the country is paid to another school several hundred miles away.

Mr. STEPHENS of Nebraska. The Assistant Commissioner of the Indian Department requested that an appropriation for 400 pupils should be made for the Genoa school. They have an enrollment of 395, but the committee has recommended an appropriation for only 375 and it has appropriated only \$160 per capita, whereas the standard originally fixed by law, I believe, was \$170 per capita.

Mr. CARTER. We have provided all you asked for per capita.

Mr. STEPHENS of Nebraska. That may be; but the superintendent asked for 400 pupils, and you appropriated for only 375, and are continuing to send Nebraska children to Pennsylvania to school.

The point that I am making, and the point that should be taken into account in the distribution of the appropriation for these Indian children, should be their location and the economy of placing them in the various schools throughout the country. Certainly it would be much better to educate the Nebraska Indian children in the Nebraska school, and I believe that is the policy of the committee, and I am sure that in this particular case the committee made a mistake. I will call their attention to it later on. But the particular thing that I wanted to call to the attention of the gentleman from Oklahoma is whether or not these pupils were transported there, and if so, whether it was against good policy? I believe the gentleman agrees with me that it is not good policy to ship these children to Pennsylvania.

Mr. CARTER. I believe it is the best policy to educate the Indian child at a point near home, even from many standpoints other than that of economics. I note from the report on the Genoa School that the average attendance at that school last year was only 340.

Mr. STEPHENS of Nebraska. And the enrollment was 395.

Mr. CARTER. And the enrollment 397.

Mr. STEPHENS of Texas. And that the capacity of the school is 400, and the commissioner recommended 400.

Mr. CARTER. I presume the committee cut this down because the average attendance last year was less than we had appropriated for.

Mr. STEPHENS of Nebraska. My thought was that the committee had undoubtedly overlooked the fact that these children had been sent to Pennsylvania to be educated, and that when attention was called to it it might be corrected.

Mr. CARTER. No; we had not overlooked that.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

Mr. HARRISON. Mr. Chairman, I make the point of order on that paragraph. I will reserve it if the gentleman wants to say anything.

The CHAIRMAN (Mr. PAGE of North Carolina). The gentleman from Mississippi reserves the point of order.

Mr. STEPHENS of Texas. That was a matter that the department was very anxious to get into the bill, but I concede that it is subject to the point of order.

Mr. HARRISON. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that we recur to the paragraph on page 4 with respect "to relieving distress among the Indians," for the purpose of offering an amendment that the Chair has just passed on by sustaining the point of order made by the gentleman from Texas [Mr. STEPHENS] that I think ought to be given more consideration. I feel sure that the decision was given too hastily, and it is so important a ruling that I think probably it ought to be given more consideration.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to recur to page 4, for the purpose of offering an amendment.

Mr. STEPHENS of Texas. I shall have to object, for the reason that I desire to get through with the bill, and then recur to such points as any gentleman may desire.

The CHAIRMAN. The gentleman from Texas at this time objects.

Mr. HARRISON. Will the gentleman reserve that just a moment?

Mr. STEPHENS of Texas. Yes.

Mr. HARRISON. The reason why I ask it is that this presents the same question that will be presented probably several times in the consideration of this bill. For that reason I should like to have the matter settled now.

Mr. STEPHENS of Texas. The next time it comes up—

Mr. HARRISON. I think the Chair was wrong in his ruling.

Mr. STEPHENS of Texas. The next time it comes up I am willing to have it considered, if the two are on all fours.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$400,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That not to exceed \$25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grains, vegetables, and fruits: *Provided also*, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. HARRISON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order.

Mr. HARRISON. May I ask the chairman of the committee if part of this appropriation is to be used in the work in conjunction with the appropriation further on to provide 20 automobiles to go around and assist in preserving the forests?

Mr. STEPHENS of Texas. That is a separate item, but of course will be used for the same work.

Mr. MANN. It provides for 20 new ones.

Mr. HARRISON. Do they need 20 new automobiles to help preserve the forests?

Mr. STEPHENS of Texas. This is for the entire Indian Service, for which they are spending all the millions of dollars appropriated in this bill, and we considered that transportation by automobile in many instances will be cheaper than by any other means.

Mr. HARRISON. I make a point of order on this paragraph.

The CHAIRMAN. On the entire paragraph?

Mr. HARRISON. Yes.

The CHAIRMAN. What is the gentleman's point of order?

Mr. HARRISON. The point of order is that at the bottom of this paragraph there is new legislation.

Mr. STEPHENS of Texas. In what respect?

Mr. HARRISON. In the proviso—

Provided also, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

That is a change of existing law.

The CHAIRMAN. To the language just read by the Clerk the gentleman makes a point of order.

Mr. FOSTER. Do you make it to the whole paragraph?

Mr. HARRISON. I make it to the whole paragraph.

Mr. STEPHENS of Texas. I think the last provision is new law. If the gentleman will move to strike it out, I shall have no objection.

Mr. HARRISON. No; I make the point of order against the entire paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the whole paragraph, with the exception of the last proviso.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on pages 6 and 7, by inserting the matter in the bill from the beginning of line 19 on page 6 to the word "fruits" in line 16 on page 7.

Mr. MANN. I call the attention of my friend from Mississippi to the fact that the last proviso refers to a limitation on salaries and compensation of employees contained in the act of August 24, 1912. There is no limitation on salaries contained in that act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mr. JOHNSON of Washington. I move to strike out the last word.

The CHAIRMAN. There is an amendment pending. The gentleman can address himself to that amendment.

Mr. JOHNSON of Washington. I will address myself to that.

The CHAIRMAN. The gentleman from Washington is recognized for five minutes.

Mr. JOHNSON of Washington. Mr. Chairman, when the last Indian bill was under consideration I assisted in an effort to strike out the pay of a special Indian commissioner on the ground that he had not within the memory of man visited the States of Oregon and Washington, where there are a large number of tribes of Indians. I am not going to object to this item for the pay of teachers and special instructors in regard to forest trees, cotton, grains, vegetables, and fruits, although I do hope some of them will visit Washington and Oregon and give our Indians some instruction. Of course we have no cotton, but I have 19 tribes of Indians in the district I have the honor to represent. They are badly in need of all kinds of instruction as to how to make a living except in the matter of fishing. A great many are sick. One of these special Indian commissioners or inspectors visited the State as a result of a statement made on the floor, and his first recommendation was that they should have a doctor; that he was badly needed. Forty or more of these Indians were dying from tuberculosis. An advertisement was put out for a doctor for the Quenilt Indian Reservation, the pay not to exceed \$720 a year. The nearest place that a doctor could live would be 40 miles away, and he would have to pay his own expenses of travel. As a result no one has asked for that position as doctor. The Indians have had to struggle along without medical assistance. I make this suggestion in hope that some of these Indian officials will visit that part of the country.

Mr. BURKE of South Dakota. Mr. Chairman, does the gentleman from Mississippi [Mr. HARRISON] seriously insist upon his point of order that he has made as to that part of the paragraph that has gone out?

Mr. HARRISON. I was not aware of the truth of the fact that has been stated by the gentleman from Illinois [Mr. MANN] that the proviso in language was wrong. I took it from the committee's language that there was a limitation in the act of August 24, 1912, but if it does not change existing law I am willing to withdraw the point of order that was sustained.

Mr. BURKE of South Dakota. I will say to the gentleman that the act of 1897 fixes the amount that may be expended at an Indian agency for salaries and compensation of the employees. Now, unless we do make this appropriation available beyond that limit by putting in the proviso you might as well not make the appropriation. In a moment I will have the act of 1897, which limits the amount that may be expended at any agency. If the gentleman is willing to let the appropriation be made, he ought to consent to the proviso against which he

has made the point of order. I do not think the gentleman desires to be captious.

Mr. HARRISON. Not a bit; it struck me it was a change of salary.

Mr. BURKE of South Dakota. It has nothing to do with a change of salary. It simply provides, in the Indian Service, where we are conducting industrial work, for farming, care of timber, matrons, and teaching the Indians to become self-supporting. It is absolutely necessary that we have a larger number of employees than we had when there was nothing to do at an agency except to keep track of the Indians and issue them rations at stated intervals. This has to do with the farmers, looking after the timber, the matrons, and the employees that do the real work of instructing the Indians.

Mr. HARRISON. Mr. Chairman, in view of what the gentleman from South Dakota has just said, I ask unanimous consent to withdraw my point of order made to the paragraph.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to withdraw his point or order.

Mr. FERRIS. Mr. Chairman, a point of order. The gentleman from Mississippi has made a point of order and the Chair has sustained it. I suggest that the proper way is to reoffer the paragraph.

The CHAIRMAN. The Chair was about to suggest to the gentleman from Texas that in offering his amendment he include the entire paragraph.

Mr. STEPHENS of Texas. I will do that, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas modifies his amendment by including the paragraph beginning on line 19, page 6, and ending on line 21, page 7.

Mr. MANN. Mr. Chairman, the language which it is now proposed to insert reads:

Provided also, That the amounts paid to matrons, foresters, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

The only thing in the act of August 24, 1912, on the subject is this:

Provided also, That the amounts paid to the matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salary and compensation of employees contained in the act of June 7, 1897.

So that this is not a limitation at all. Now all this bill provides is that the sum carried in this bill shall not be included in the limitation of the act of August 24, 1912. There is no limitation in the act of August 24, 1912.

Mr. STEPHENS of Texas. In line 17 you will see that the word "forester" has been added, and that is the reason why this has been put in.

Mr. MANN. That makes no difference; there is no limitation in the act of 1912. That act provides that that act shall not be covered by the limitation of the act of June 7, 1897.

Mr. BURKE of South Dakota. The act of June 7, 1897, reads as follows:

Hereafter not more than \$10,000 shall be paid in any one year for salaries or compensation for employees regularly employed at any one agency for its conduct and management, and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none other shall be employed.

Mr. CARTER. Mr. Chairman, I ask the gentleman from Texas to change the date mentioned in his amendment.

Mr. STEPHENS of Texas. Mr. Chairman, I move to amend my amendment so as to strike out the words "act of August 24, 1912," and insert "June 7, 1897."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend, page 7, by striking out in lines 20 and 21 the words "August 24, 1912," and insert "June 7, 1897."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Texas.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HARRISON. Mr. Chairman, on line 10, page 7, is the provision: "*Provided,* That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin." Why is that provision necessary?

Mr. STEPHENS of Texas. Because there is a separate act controlling the timber of these Indians.

Mr. HARRISON. It applies solely to that reservation.

Mr. STEPHENS of Texas. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to return to line 3, on page 6, for the purpose of inserting the words "June 7, 1897," in lieu of the words "August 24, 1912."

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to return to line 3, page 6, for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 6, line 3, by striking out "August 24, 1912," and inserting in lieu thereof "June 7, 1897."

Mr. STEPHENS of Texas. Mr. Chairman, I have no objection to that.

Mr. HARRISON. May I ask why that is offered?

Mr. BURKE of South Dakota. That is exactly the same proposition, and it is to correct the language in the bill to conform to the correction we have just made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of to exceed three warehouses in the Indian Service.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. In the previous appropriation bill it is provided that there should not be more than three permanent warehouses, and in this bill the word "permanent" has been stricken out. Is it the intention to move these warehouses from one place to another?

Mr. CARTER. Mr. Chairman, the Indian appropriation bill of last year carried a provision that not more than three permanent warehouses should be maintained by this fund. Since that time we find that none of the warehouses has been dispensed with. There were five at that time, and there were five at the time the Indian Bureau officials were before our committee. They stated to us that two of the warehouses had been carried along as temporary warehouses, and it would perhaps not be necessary to carry them any longer as temporary warehouses; so in the future there should be only three warehouses provided for by this bill, and under this provision not more than three could be maintained, even as temporary.

Mr. FOSTER. But really it is to get rid of two of them?

Mr. CARTER. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to say that the office is very desirous of having this language as it was carried in last year's bill, in order to have the privilege of providing for temporary warehouses for a part of the year. We have been trying to get rid of these five warehouses ever since I have been in Congress, and we thought we had done it finally when we put in the provision we did last year, but the hearings disclosed that we still had five warehouses—three permanent and two temporary—and so we struck out the word "temporary"; but the office says there are certain seasons of the year when they ought to have the privilege of maintaining temporary warehouses.

Mr. CARTER. Mr. Chairman, we thought we had stricken them out once before.

Mr. BURKE of South Dakota. We have been striking them out for the last 15 years, and I think this puts all of them out but three. I am quite willing.

Mr. MANN. If my friend from South Dakota will permit an interruption, I suggest that it is safe to say that they will not go out while my distinguished friend the Senator from Nebraska is in the United States Senate.

Mr. BURKE of South Dakota. The gentleman from Illinois is looking after his city apparently.

Mr. MANN. Oh, I never had to bother about that. That keeps itself on its merits. I have always been in favor of cutting them all out and letting them rest on their merits.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For expenses of the Board of Indian Commissioners, \$4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman know how much has been expended by the Board of Indian Commissioners?

Mr. STEPHENS of Texas. I do not think there has been any report made, at least none was furnished to our committee.

Mr. MANN. We used to appropriate about \$4,000.

Mr. FOSTER. Ten thousand dollars.

Mr. MANN. No; \$4,000. Last year we increased it to \$10,000. Had the committee any information before it on which it reduced that amount?

Mr. STEPHENS of Texas. This is the estimate that has been furnished by the department, and I presume there has

been some report made to them by this Board of Indian Commissioners.

Mr. MANN. Did they make an estimate for only \$4,000?

Mr. STEPHENS of Texas. That was all of the estimate handed in.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by placing therein an explanation of the services and the work of the Board of Indian Commissioners.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies and for rations for policemen at nonration agencies, \$150,000.

Mr. HARRISON. Mr. Chairman, I move, on line 21, page 8, to strike out "\$150,000" and insert "\$125,000"—no, "\$100,000."

Mr. CARTER. Why not leave it at \$125,000?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 8, line 21, by striking out "\$150,000" and inserting "\$100,000."

Mr. STEPHENS of Texas. Mr. Chairman, I have no objection to that, in view of the fact that \$50,000 was put in in the other bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The Clerk read as follows:

For pay of judges of Indian courts where tribal relations now exist, \$8,000.

Mr. FERRIS. Mr. Chairman, a few moments ago the gentleman from Mississippi [Mr. HARRISON] increased the prohibition item to \$125,000. He now takes \$50,000 off again. I want to ask the gentleman if in the last analysis he has accomplished anything on the prohibition proviso? He takes it from Peter and pays Paul. The items now aggregate just as much as they did before they were stricken out; and I will ask the gentleman if he does not think he is playing hot with one amendment and cold with the other?

Mr. HARRISON. Mr. Chairman, I move to strike out the last two words. I had thought that my friend from Oklahoma would get into this prohibition discussion before it was over and express himself to his constituents as being for it. He did not get the opportunity when the other provision was up, and so he gets in now. I did not agree with the chairman of the committee [Mr. STEPHENS], in his argument some moments ago against my motion to increase the appropriation in the bill for the suppression of the liquor traffic among the Indians, that these policemen had very much to do with it, because in reading the hearings before the committee and the debates in prior Congresses in support of these police officers I find that the Members of the delegation from Oklahoma, in practically every instance, say that these Indian policemen are merely old, trusty fellows who are just out there to give information occasionally about depredations on Indian reservations and to carry messages from officers of the Government to various places, nowhere saying they arrest for traffic in liquors among the Indians; and so, in view of these arguments that have been made by Members from Oklahoma against prior appropriations for police service, I have made this motion to reduce this appropriation from \$150,000 to \$100,000.

Mr. FERRIS. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. FERRIS. I know the gentleman does not mean to misquote me. I think the gentleman perhaps quotes some of the things I have said about this matter, but my attitude has been in advocacy of the policemen every year I have been in Congress. I think they have, indeed, served a good purpose—two purposes.

Mr. HARRISON. Now, Mr. Chairman, in speaking on this question, here is what the gentleman from Oklahoma, in speaking of their duties, said about these policemen in April, 1912:

They help keep the peace among the Indians. Another thing which I omitted to state, there are usually old, trusted, tried Indians around every reservation who are known to the white people and to the agents, and the agent usually designates some such Indian, who serves as a go-between in all these matters between the Indians, the agency, and also between the white people and the Indians having business relations.

He says, though:

I do not think the appropriation ought to be stricken out.

That argument of the gentleman was on a motion made to strike out the whole provision, and was made, I think, by the gentleman from Oklahoma [Mr. DAVENPORT]. I may be mistaken about it being Mr. DAVENPORT; but, at any rate, Mr.

DAVENPORT, in arguing the question, went on to say that these police officers were doing more harm than they were doing good, and he said—I read from his remarks:

I think the gentleman from Kansas—

He must have been talking about my friend Mr. CAMPBELL over there—no; I notice from a further reading of the Record he was talking about Mr. Jackson, who was then a Member of Congress. He said:

I think the gentleman from Kansas is correct in regard to the organization of the Indian police in a number of these places. So far in the Cherokee Nation and a portion of the Creek Nation it has been nothing more or less than a political organization in the last four years.

Now, that is the testimony of Mr. DAVENPORT, my friend's colleague here, who says that in that part of Oklahoma "it was a political organization," and I think my friend Mr. FERRIS at that time thought that it was a kind of political organization. The gentleman shakes his head, evidently meaning "no," but I recall at that time the Republicans were in power, and it is my recollection, I may be in error about it, that there was a general comment upon this side of the House against that side of the House that these policemen out there were a set of political officeholders, performing no respectable service and merely organizing and working in the interest of the Republican Party.

Mr. FERRIS. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. FERRIS. My good friend from Mississippi of course knows one thing, and that is that Mr. DAVENPORT and myself did not agree about that matter. I believe the words the gentleman read from me were words in support of the Indian police, and I think that my record will show without any interruption at all that I have asked for them each year. I do not think I am entitled to such howling credit for doing it, but I have never opposed them, as my record will show.

Mr. HARRISON. I think the record, so far as my good friend here is concerned, shows that he was in favor of cutting down the appropriation for these policemen at that time, but not striking it out entirely, as our friend Mr. DAVENPORT was in favor of doing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. I think what the gentleman has in mind was the general objection I made to too many employees in Oklahoma and elsewhere in the Indian Service, and I am not relenting on that objection now. I said then there were too many of them, and I think now there are too many, and if that statement relieves anybody in any way they are welcome to it, and I am still of the same opinion.

Mr. HARRISON. I am glad to hear my friend say that, because I have at least convinced him that there is not much kinship between this amendment I have offered cutting down useless policemen and the one I offered a while ago to aid in suppressing the liquor traffic among the Indians. Mr. DAVENPORT, in speaking of these policemen, further said:

Great complaint has gone up among the people there because of that one fact. It now has a tendency to bring about discord and dissatisfaction, and it brings about conflict between the local officers and these police that goes on and will continue to go on, and if the bill was in such shape that I could make the motion to amend, I would provide an amendment by which there should be no Indian police appointed by the department in any organized town or municipality within any organized State.

Now, that is pretty good testimony. But here is what my friend the gentleman from Oklahoma [Mr. CARTER] said in discussing at that time this police question. Surely something must have come over the spirit of his dreams since he made this speech. Here is what he then said:

Now, I am very sure that we have too many Indian police in Oklahoma, and there is a good deal of truth in the statement of the gentleman from Kansas [Mr. Jackson] and in the statement of my colleague from Oklahoma [Mr. DAVENPORT]. I would favor dispensing with these agents entirely in Oklahoma at the first time if it were not for the reason I have stated, were it not that it might slightly disorganize the Indian Service and leave them without men to do this specific work.

Mr. Chairman, there are, I believe, as shown by the hearings, six hundred and some odd of these Indian police, and there is nothing in the hearings that states that these policemen ever arrested anybody for selling liquor to an Indian. But as my friend from Oklahoma [Mr. FERRIS] has said, they were "old, trusty Indians, who carried messages back and forth," and as my friend DAVENPORT said, "a political organization out there creating discord and strife among those people." My friend DAVENPORT went further, and said that the State of Oklahoma

could attend to its own local affairs and did not want these policemen there intermeddling in them.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from South Dakota?

Mr. HARRISON. Yes.

Mr. BURKE of South Dakota. I would like to ask the gentleman when this colloquy took place that he speaks of?

Mr. HARRISON. This was in April, 1912.

Mr. BURKE of South Dakota. Has there been a change in the administration since that time?

Mr. HARRISON. I think there has been. [Laughter on the Republican side.] So I submit that in view of these facts that I have presented and in order to help Oklahoma to attend to their own local affairs, and in order to help the general situation throughout the country, the force of these Indian police should be reduced.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for the regular order. There is nothing before the House.

The CHAIRMAN. Did the gentleman from Mississippi withdraw his amendment?

Mr. HARRISON. I did not. I now withdraw it.

The CHAIRMAN. The amendment was adopted.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

Mr. STEPHENS of Texas. There is nothing pending, Mr. Chairman, and I ask that the Clerk read.

The Clerk read as follows:

For pay of special agents at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed \$3 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$100,000.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] moves to strike out the last word.

Mr. HARRISON. Mr. Chairman, I want to reserve a point of order on the paragraph.

Mr. CARTER. Mr. Chairman, my friend from Mississippi [Mr. HARRISON] a few minutes ago claimed to be a great prohibitionist. He wanted to increase the appropriation in order that efficiency might be gained in the suppression of the liquor traffic among the Indians. A few moments later he strikes out the same amount from another appropriation that is used for the same purpose.

The gentleman says it is not so used. If the gentleman had only read the hearings, he would not have made that statement. I will read what the Assistant Commissioner of Indian Affairs says on page 72 of the hearings. He says:

The CHAIRMAN. Is it a part of the duties of these policemen to prevent the sale of liquors on the various reservations?

Mr. MERITT. They help in that work.

The CHAIRMAN. Then you have another appropriation for that purpose, have you not?

Mr. MERITT. But this only supplements their regular work.

The CHAIRMAN. Why shouldn't these two items be thrown together? Is it any more important that they be protected from the sale of whisky than anything else?

Mr. MERITT. It is one of the most important things in the Indian Service, that they be protected from liquor.

Mr. HARRISON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Mississippi withdraws his point of order. The Clerk will read.

The Clerk read as follows:

For pay of 6 Indian Service inspectors, at salaries not to exceed \$2,500 per annum and actual traveling expenses, and \$3 per diem in lieu of subsistence when actually employed on duty in the field, \$30,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. How much was expended for this purpose last year?

Mr. STEPHENS of Texas. I will find the item in a moment. The gentleman will find it on page 75. This item was inserted in the appropriation bill last year, and there has been no report made on these special inspectors.

Mr. MANN. The inspectors have not been employed yet, have they?

Mr. STEPHENS of Texas. Not all of them, as I understand.

Mr. MANN. Have any of them been employed?

Mr. STEPHENS of Texas. I can not say as to that.

Mr. MANN. What are they to do; what is the necessity of them?

Mr. STEPHENS of Texas. They are special inspectors who have the entire inspection of all the various Indian agencies in every State of the Union under their charge.

Mr. MANN. Was this in the bill as it was passed by the House last year, or was this a Senate item?

Mr. STEPHENS of Texas. I think it was put in in the Senate.

Mr. MANN. Was it not to create political jobs for political purposes? Does the gentleman know whether these appointments are made by the Commissioner of Indian Affairs and the Secretary of the Interior on their own motion, or whether they are made from an eligible list?

Mr. STEPHENS of Texas. They are made, as I understand, from an eligible list, and it seems they have not been able yet to determine among the eligible applicants who should be appointed.

Mr. MANN. Have they got an eligible list?

Mr. STEPHENS of Texas. So I understand.

Mr. MANN. Is that the understanding of my friend from Oklahoma, too?

Mr. STEPHENS of Texas. I will read what we have here. I read:

This is the same provision as that of the current law and is essential to a clean administration of the Indian Service. These inspectors will be selected through the Civil Service Commission after an exhaustive investigation of their character, business ability, and capacity for the detail of looking into the manifold activities of this bureau. These officers are considered the most important connected with the field administration of the millions of dollars worth of property belonging to these dependent peoples, as well as their development into healthy, moral, capable, and law-abiding citizens of our country. The amount requested has been carefully decided as adequately sufficient for an economical administration, and will permit of the employment of a most valuable corps of inspectors. Any less amount will have a serious tendency to depreciate its value in morale and efficiency. The need for this appropriation was thoroughly and exhaustively presented to the Congress at the last session, the reiteration of which appears unnecessary in justification of the continuance of the appropriation.

Mr. MANN. Who was testifying there—the commissioner?

Mr. STEPHENS of Texas. This is the report made by the commissioner, printed in the hearings.

Mr. MANN. That these officers were necessary for "a clean administration" of the Indian Department. Is that what he says?

Mr. STEPHENS of Texas. That is the language, I believe.

Mr. MANN. And yet, although this appropriation has been in force for over a year, the department prefers not to have a "clean administration" and has not appointed these inspectors?

Mr. STEPHENS of Texas. It takes some time to get the proper men, and it has been only a comparatively short time since this law was enacted.

Mr. MANN. Well, it ought not to take more than six months. The Indian appropriation bill became a law last year—when?

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield to me?

Mr. MANN. Yes; for information.

Mr. BURKE of South Dakota. In the last session, when the Indian appropriation bill was being considered in another body after it had passed the House, it was proposed to insert an amendment providing for the appointment of six Indian inspectors, and making their appointment possible by the Secretary of the Interior without regard to the civil-service requirements. In other words, making them political appointments. It met with considerable opposition on account of the way it was proposed to make the appointments, and the amendment was withdrawn and then put in the bill in the form in which it finally became a law, the President in the meantime having by Executive order excepted the places from the classified service and providing that the appointments should be made by the Commissioner of Indian Affairs in conjunction with the Civil Service Commission. I believe the commissioner has to consult the Civil Service Commission as to the qualification of applicants, but the appointments are not made from an eligible list as appointments are ordinarily made in the classified service. If any examination is required I am sure it is not competitive.

Mr. MANN. These are just pure political appointments, made by the commissioner, are they not? That is, they will be when they are made. I suppose they will be used in connection with the machine to renominate the President. That seems to be the way in which appointments are being made now.

Mr. BURKE of South Dakota. I presume one of the principal requisites will be that they shall belong to the party of the administration.

Mr. FOSTER. I shall be quite disappointed if they are not.

Mr. STEPHENS of Texas. Does not the gentleman think that would be an advantage to the service?

Mr. CAMPBELL. Is not that the reason why they are having so much difficulty in finding suitable men?

Mr. STEPHENS of Texas. I think not.

Mr. MANN. They want to see where the pressure is the greatest before appointing them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$100,000: *Provided*, That the Secretary of the Interior is hereby authorized to use not to exceed \$25,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, and considering their wills, out of the \$100,000 appropriated herein: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon a determination of the heirs to any trust or restricted Indian property or after approval by the Secretary of any will covering such trust or restricted property, there shall be paid by such heirs, or by the beneficiaries under such will, or from the estate of the decedent, or from the proceeds of sale of the allotment, or from any trust funds belonging to the estate of the decedent, the sum of \$15, which amount shall be accounted for and paid into the Treasury of the United States and a report shall be made annually to Congress by the Secretary of the Interior, on or before the first Monday in December, of all moneys collected and deposited, as herein provided: *Provided further*, That if the Secretary of the Interior shall find that any inherited trust allotment or allotments are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent.

Mr. SMITH of Minnesota. Mr. Chairman, reserving a point of order, I want to ask the chairman of the committee whether or not this paragraph is new legislation.

Mr. STEPHENS of Texas. The last paragraph was not in the bill of last year. With that exception it is the same bill that we passed last year—the same amounts and so forth.

Mr. SMITH of Minnesota. For 1914 you passed the same amounts?

Mr. STEPHENS of Texas. The same amounts, and in the same language, with the exception that we have the new provision at the end.

Mr. MANN. I will say to the gentleman that the language is quite different, but the appropriation is the same.

Mr. FOSTER. It is changed somewhat here.

Mr. SMITH of Minnesota. I notice that \$25,000 of it is to be used for the purpose of paying clerk hire.

Mr. MANN. Last year that was \$20,000.

Mr. STEPHENS of Texas. We have inserted the word "wills." That provision is the only material change.

Mr. SMITH of Minnesota. To whom is the \$75,000 to be paid?

Mr. STEPHENS of Texas. It is a reimbursable amount.

Mr. SMITH of Minnesota. To whom is it to be paid, and in what way is it to be paid out?

Mr. STEPHENS of Texas. It is for the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted property, and it may be determined either by men whom they send out armed with that authority or through the courts. That is, under rules and regulations prescribed by the department as to who shall make these determinations.

Mr. SMITH of Minnesota. Are these employees now in the regular employment of the Department of the Interior?

Mr. STEPHENS of Texas. They are.

Mr. SMITH of Minnesota. It is not intended to go outside of the department to employ people to make these examinations to determine these titles?

Mr. STEPHENS of Texas. There is no authorization of that kind in the bill.

Mr. SMITH of Minnesota. Is there anything to prevent that?

Mr. STEPHENS of Texas. I do not think they could employ special employees under the language here. That is the only authority they have.

Mr. SMITH of Minnesota. Does the department do anything except prescribe the rules by which these titles may be perfected?

Mr. MANN. Oh, they determine the heirship.

Mr. BURKE of South Dakota. In accordance with the act of June 25, 1910.

Mr. SMITH of Minnesota. I want to suggest an amendment.

Mr. MANN. The department determines the heirship now, under this provision.

Mr. SMITH of Minnesota. Who gathers the information?

Mr. MANN. They have special employees to do it.

Mr. SMITH of Minnesota. Do they appoint outside attorneys to look up information and bring it to the department?

Mr. MANN. They could, but usually they have regular men doing that work.

Mr. SMITH of Minnesota. In order that they may be regular men, I wish to offer an amendment.

Mr. MANN. But it might not always be desirable to have a regular man. For instance, supposing you wanted to settle the heirship of an Indian at some place around Washington or at places in various parts of the country.

Mr. HARRISON. Mr. Chairman, I want to reserve a point of order. I suppose the gentleman from Minnesota withdraws his point of order?

Mr. SMITH of Minnesota. Yes; I withdraw the point of order.

The CHAIRMAN. What is the point of order of the gentleman from Mississippi?

Mr. HARRISON. I want to make the point of order for the purpose of seeking some information about an item in line 19, page 9, where there is an increase from \$20,000 to \$25,000 for the employment of additional clerks in the Indian Office.

Mr. MANN. Mr. Chairman, I am not the chairman of the Committee on Indian Affairs and can not give much information in regard to the matter, but I will say to the gentleman from Mississippi that a few years ago there was a great contest in reference to the proof of heirship of Indians and the settlement of Indian estates. There was inserted in the Indian bill only two or three years ago a provision that the Secretary of the Interior should determine the heirship and to that extent settle the estate of the Indian, who should pay for it. It has been the best work Congress has done in that respect for many years. They made available last year for this purpose \$20,000 for clerks here. Of course no one could tell exactly how much would be required. Now they want \$25,000. We would have to take their judgment as to the amount that is required, because this is really a new item and has not been in the bill many years.

Mr. HARRISON. I had an impression that there was some amount carried in a general appropriation bill, or in a deficiency appropriation bill, to provide for clerks of this office in Washington.

Mr. MANN. The appropriation contained a proviso that no part of it could be used for clerks in Washington, and the gentleman recalls that the general law is that where a lump-sum appropriation is made no portion of it can be used for clerical assistance in the city of Washington unless specifically authorized. That is what the deficiency bill which the gentleman refers to did; it specifically authorized the use of a portion of that money in the city of Washington.

Mr. HARRISON. Mr. Chairman, in view of what has been said, I withdraw the point of order.

Mr. SMITH of Minnesota. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend page 9, line 16: After the word "property" strike out the words "under regulations prescribed by the Secretary of" and insert in lieu thereof the words "the rules of the department of."

Mr. SMITH of Minnesota. Mr. Chairman, I offer this amendment in the hope that if it is adopted it will prevent what appears to me to be possible under the original text, and that is the employment of attorneys not in the regular employment of the department. I must confess that I am making this statement at this time for the information of the committee and with the hope of getting some information myself. I have great respect and confidence in our Committee on Indian Affairs, and of course each Member of Congress receives some information from his constituents. Much of the time the information is not founded on reliable facts. I am going to read a statement, for the benefit of the committee, contained in a letter which I received from one of my constituents, a very able man, who has written a history of our State and who is at the present time writing a history of the Government's relation to and treatment of the Indians of this country. He says, in part:

I am informed that there is a scheme on foot to rob the Chippewa Indians of some half million dollars, to be divided between certain attorneys, certain influential half breeds, and certain gentlemen resident in and about the Capital City. The scheme implies the legitimization of the employment of the attorneys by the Indians.

I wish to say for the benefit of the committee that I have examined House bill 12579 of last session, the bill supposed to contain such a scheme, and I find no such legislation or anything that could be construed into such an intention or purpose; but, for fear that there may be some legislation that might give foundation for such an impression, I call attention to the statement in the letter, because it comes from such good authority, for what it is worth. I withhold the name of the writer.

Mr. STEPHENS of Texas. Is this writer in the Government employ in any way?

Mr. SMITH of Minnesota. No; he is a private citizen in the State of Minnesota. As I said, he is at work on a history of the relations of the Government to and its treatment of the Indian.

Mr. STEPHENS of Texas. The only change that the gentleman makes in his amendment is to strike out the words "under the regulations prescribed by the Secretary of the Interior." Now, why should not the Secretary of the Interior prescribe rules by which his inferiors, the men whom he sends out to work, shall be guided? I can not imagine how it should be done in any other way except by the rules and regulations.

Mr. SMITH of Minnesota. That would be implied. If the department has the right to use the money, it would naturally follow that it would be done under such rules and regulations as it might adopt.

Mr. STEPHENS of Texas. If he can do it, why not write it into the bill?

Mr. SMITH of Minnesota. That is what I say. If the department is going to do it, why not make it positive that they have absolute control over it and that they will do it by regularly employed agents and not by outside attorneys? That is the point I am trying to impress. I am just leaving this to the committee. I have no personal pride in the amendment. If the committee feels, after the statement that I have made, that the amendment is not of particular value, then we should vote it down.

Mr. MANN. What does the gentleman think he would accomplish by his amendment? To say that this shall be done by the department instead of under regulations by the Secretary of the Interior would not make any difference.

Mr. SMITH of Minnesota. Just this: Under the original text it is quite possible that the department can go outside the department and employ whomever it sees fit to do this work.

Mr. MANN. They could do it just as well in one case as in the other.

Mr. SMITH of Minnesota. No; and they could prescribe rules and regulations under which it should be done. But if the department is to do it itself, then it has to do it by its regular agents and not by some temporary employee.

Mr. MANN. That would not follow at all.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I ask that his time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Here is an appropriation to be expended. It is precisely just as long one way as it is the other. To say that it shall be expended by the department or expended by the Secretary of the Interior means the same thing. That is what the appropriation is for—to be expended by the department. That is what we make the appropriation for. If you put it in every other line that it is to be expended by the department, it would not make it any stronger. The appropriation is for the Indian Service, in the Department of the Interior. Ordinarily where we put jurisdiction upon a department instead of saying the department we say the Secretary of that department, so as to centralize the responsibility, but it means the same thing whether you say it is to be done by the Secretary or by the department, because the Secretary does not do it personally. He does it by having somebody employed. You can employ some one outside just as well in one case as in the other. There is absolutely no distinction.

Mr. SMITH of Minnesota. If he were to do it under rules and regulations, and not by the department itself. The reason that I suggested for eliminating the term "rules and regulations" is that it implies that the department does not have to do it itself, but that it can let anyone do it. It can farm it out if it pleases, so long as it is done under rules and regulations. I want the department to do it itself and be responsible for it.

Mr. MANN. The department spends the money. This is an appropriation. This is not an authorization. This is an appropriation.

Mr. SMITH of Minnesota. For a particular purpose.

Mr. MANN. It does not make any difference. We are appropriating the money. Outside people can not spend the money. The department spends the money. Whether you say a certain thing is to be done under rules and regulations of the Secretary of the Interior or to be done by him does not make any difference. He makes his rules and regulations in

either event. That does not amount to anything, but the money is expended by the department. That is why we appropriate it.

Mr. SMITH of Minnesota. We want the department to do the work. We do not want it to be farmed out.

Mr. MANN. But the gentleman's language would not prevent that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$200,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed \$50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Mr. HARRISON. Mr. Chairman, I reserve the point of order on that. May I ask the gentleman from Texas why on line 23, page 10, this amount of \$200,000 is made immediately available?

Mr. STEPHENS of Texas. We provide this because we have adopted the plan of having this industrial matter in the bill, so that after the 1st of July, when the money becomes available, they can go on the market and buy Indian supplies more cheaply than fall than they can by waiting until the money would be available. Sometimes they need money in advance for the purpose of pitching the crops and planting them, and buying agricultural implements, stock, and so forth.

Mr. MANN. It is because the fiscal year and the farm year do not coincide.

Mr. STEPHENS of Texas. That is it.

Mr. HARRISON. This \$200,000 is to be expended in conjunction with this appropriation that will follow to buy 20 new automobiles to farm with, is it?

Mr. STEPHENS of Texas. No; that is a separate item entirely.

Mr. HARRISON. No; the two amounts that are appropriated are to be used to aid the Indians, to encourage them in industry and self-support?

Mr. STEPHENS of Texas. It is not, because every item here in the matter now before the House is reimbursable and comes out of the Indian funds.

Mr. HARRISON. Does this item?

Mr. STEPHENS of Texas. And comes out of the Indian fund; and it is for their maintenance and better support, and so that they can become better self-supporting.

Mr. HARRISON. May I ask, for information, does the present law make it reimbursable? This paragraph does not say anything about it being reimbursable.

Mr. STEPHENS of Texas. All of these items are reimbursable.

Mr. HARRISON. In some of the paragraphs it says they are reimbursable, and some do not. Why is this distinction made?

Mr. STEPHENS of Texas. Because when the appropriation was made for the Indians, if afterwards they have funds out of which that appropriation can be reimbursed to the United States Government, that amount is refunded.

Mr. HARRISON. I understand the gentleman, but I do not think the gentleman quite got the point I am trying to get at. I notice, for instance, in the items carried on pages 2 and 3, for the construction, repair, and maintenance of ditches, reservoirs, and dams, and so forth, if you read in that paragraph, you will see that the \$250,000 is appropriated, but it says, "it is reimbursable as provided in the act of August 1, 1914"; and many other paragraphs so specify that the amounts appropriated "shall be reimbursable out of the tribal funds." Now, in this paragraph that is under consideration nothing at all is said about the amount being reimbursable. The question I asked the gentleman to answer is whether this item is reimbursable. You say in some paragraphs that the amount shall be reimbursable and in others that it shall not be reimbursable. Why is this distinction made?

Mr. STEPHENS of Texas. This amounts to an allowance made by the Government to the Indians for the purpose of making them self-supporting in the manner set forth in all of these items, encouraging them in the way of being self-supporting, for the purchase of seed, animals, tools, and so forth, all of these intended to make them self-supporting.

Mr. HARRISON. I understand, but I do not think the gentleman understands me.

Mr. STEPHENS of Texas. And provides for a repayment—the original bill.

Mr. HARRISON. Has the gentleman got the law there? That is what I am trying to get at. The reason why I ask is I want to offer an amendment to the paragraph if it is not reimbursable, but if it is reimbursable, of course I do not care to offer it.

Mr. CARTER. It is reimbursable.

Mr. HARRISON. Under what law?

Mr. CARTER. It is reimbursable in the paragraph. If the gentleman will read the top of page 11, line 2, he will see:

Provided, That said sum shall be expended under conditions to be provided by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925.

Mr. HARRISON. That answers my question.

Mr. FERRIS. Mr. Chairman, on that point I would like to inquire of some member of the committee in reference to this. I desire to call to the attention of the committee that this fixes 1925 as the time for repayment, and I desire to ask if that might not in some way involve the expiration of the trust period. I have in mind, for instance, a tribe of Indians, we will say, whose trust period expires in 1920.

Mr. MANN. That would not make any difference.

Mr. CARTER. This does not place any restrictions upon the land.

Mr. MANN. I will say to the gentleman from Oklahoma last year the Indian Service asked that these appropriations be repaid by 1925, and then with authority to reinvest the sums as they were paid in prior to 1925, and at the end of that time reinvest it; but the House disagreed with that proposition, and that went out of the bill. Then it was fixed to make it a 10-year period from the year 1915, which was the fiscal year we were then appropriating for.

Mr. FERRIS. I think I can still call to the mind of the gentleman cases where this would complicate things to fix any date definitely. If a tribe of Indians' trust period had expired and the land became taxable and salable and the restrictions were removed, our chances of getting our money back at a later period would be nil.

Mr. MANN. I think the chances of getting the money back are pretty near nil now.

Mr. FERRIS. That may be.

Mr. MANN. The department has been urging this for years, and has been insisting that it was a self-supporting proposition, but they never have collected much money yet.

Mr. COX. Does the gentleman think they ever will?

Mr. MANN. I do not say that they will not. Originally I was very much opposed to it, but I think they are doing very good work now. From some sources they collect money, and they are doing very well.

Mr. FERRIS. Mr. Chairman, irrespective of whether they will or will not collect anything in the course of time, I do not think the date should be fixed at a date beyond the expiration of the Indian trust period, because if we get the money at all it will be by reason of fixing some sort of a lien against the land.

Mr. MANN. The gentleman from Oklahoma [Mr. FERRIS], like all the other gentlemen from the country districts, is interested in rural credits. Now, when the Government undertakes to advance money to a man to buy his team and buy cattle and locate him upon a farm and make him self-supporting, it can not expect that he will repay that money in less than 10 years. Ten years is a very short time if they make him pay it back.

Mr. FERRIS. Suppose there is a tribe of Indians whose trust period expires in 1920. Does the gentleman propose to postpone the payment five years beyond that?

Mr. MANN. I think this is a lien upon the land under the regulations of the department.

Mr. FERRIS. Has the gentleman in mind some regulations that worked out, that accomplished that?

Mr. MANN. That is my recollection, that they do make this a lien upon the land, although I would not say positively that that is the case.

Mr. FERRIS. That is probably the only way they will ever get it.

Mr. MANN. That is the only way they would ever get it from any of us.

Mr. FERRIS. That is probably true, too.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Wisconsin?

Mr. FERRIS. Yes.

Mr. LENROOT. I do not think the department has yet devised any means of making it a lien upon the land. I do not believe that any of this money is expended except where there

are tribal funds either in existence or to come into existence by which they should be reimbursed.

Mr. FERRIS. I understood that this was to apply to Indians who had no tribal funds.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. FERRIS] has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FERRIS. I thought this provision was really for Indians who had no tribal funds at all. Am I right about that? If they have money, there is no use in making the land a lien.

Mr. LENROOT. They may not have them now.

Mr. FERRIS. I understand. I have no objection, but I think there should be a proviso added to this providing that the period fixed shall in no case extend beyond the life of the trust period; but I shall not offer it at this time.

The CHAIRMAN. The Clerk will read.

Mr. HARRISON. Mr. Chairman, may I ask the gentleman from Texas [Mr. STEPHENS] at what time he proposes to rise? This next paragraph will require a good deal of discussion.

Mr. STEPHENS of Texas. I had hoped to reach the page containing Arizona, beginning the list of States. That is at the head of page 12. I think we can reach it in a short time.

Mr. HARRISON. This paragraph proposing to purchase an automobile would perhaps take a good deal of time. Would the gentleman move to rise?

Mr. STEPHENS of Texas. If the gentleman makes a point of order, I shall have to.

Mr. HARRISON. Then I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] makes the point of order that there is no quorum present.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Florida, indefinitely, on account of illness in his family.

To Mr. BELL of Georgia, indefinitely, on account of serious illness in his family.

ORDER OF BUSINESS.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the business of the House that would be in order on Monday next be deferred, and that the appropriation bill now under consideration, namely, the Indian appropriation bill, shall then be in order.

Mr. MANN. I object.

Mr. STEPHENS of Texas. Then I move, Mr. Speaker, that the regular business on Monday be deferred, and that the appropriation bill now under consideration—the Indian appropriation bill—be in order.

Mr. MANN. I ask for the regular order, Mr. Speaker, and I make the point of order that the motion is not in order.

ADJOURNMENT.

Mr. STEPHENS of Texas. Then I move, Mr. Speaker, that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Monday, January 4, 1915, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation in the sum of \$25,000 for promotion of export trade (H. Doc. No. 1470), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19475) granting a pension to Jacob Kuntz, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 20496) to grant lands to the Territory of Alaska for educational uses, and for other purposes; to the Committee on the Public Lands.

By Mr. GARDNER: A bill (H. R. 20497) to increase the authorized strength of the Coast Artillery Corps of the Army; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 20498) to validate title to certain town sites in the State of Montana; to the Committee on the Public Lands.

By Mr. BARKLEY: A bill (H. R. 20499) to authorize the construction of a bridge across the Ohio River at Metropolis, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: A bill (H. R. 20500) to prohibit interstate commerce in products branded or marked with the name of any church, religious denomination, society, or association, or the name or designation by which any such church or religious denomination is commonly known; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Joint resolution (H. J. Res. 396) authorizing and empowering the President to invite all nations to send delegates to a convention to provide for disarmament, and for the creation of an international legislature, an international court, an international army and navy police, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MANN: Resolution (H. Res. 689) directing the Committee on Ways and Means to report a bill creating a tariff board; to the Committee on Ways and Means.

By Mr. BUCHANAN of Illinois: Resolution (H. Res. 690) to print 10,000 additional copies of Senate Document No. 380, Sixty-third Congress, second session, entitled "Agricultural Credit, Land-Mortgage or Long-Term Credit," for the use of the House folding room; to the Committee on Printing.

Also, resolution (H. Res. 691) to print 5,000 additional copies of Senate Document No. 214, Sixty-third Congress, first session, entitled "Agricultural Cooperation and Rural Credit in Europe," for the use of the House folding room; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 20501) granting a pension to Dally Houston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20502) granting an increase of pension to Harvey J. Willis; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 20503) granting a pension to Edna J. Applegate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20504) granting an increase of pension to Michael Demuth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20505) granting an increase of pension to Robert L. Stroud; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20506) granting an increase of pension to Jennie Farley; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 20507) granting a pension to William A. Widrig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20508) granting an increase of pension to Martin Bury; to the Committee on Invalid Pensions.

By Mr. GILLET: A bill (H. R. 20509) granting an increase of pension to Daniel Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20510) granting an increase of pension to Andrew Partridge; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20511) granting an increase of pension to Emma Wilmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20512) granting a pension to Minnie S. Rector; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 20513) granting a pension to Thomas A. Long; to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 20514) granting a pension to Nellie V. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20515) granting an increase of pension to Theodore A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20516) for the relief of C. G. Wilford; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 20517) granting an increase of pension to William H. Hatfield; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 20518) granting an increase of pension to L. M. Jarvis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20519) for the relief of the heirs or estate of Jacob Joyner, deceased; to the Committee on War Claims.

Also, a bill (H. R. 20520) for the relief of the owners of the steamboat *W. B. Savory*; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 20521) granting an increase of pension to Alice E. Atherton; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 20522) granting a pension to Bert Roberts; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 20523) granting a pension to Cleveland Shive; to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 20524) granting an increase of pension to Isaac Premer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Resolutions adopted by the Brotherhood of Locomotive Firemen and Enginemen, Taylor Lodge, No. 175, Newark, Ohio, favoring the passage of H. R. 17894 and S. 6165, to extend the boiler-inspection law; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE: Petition of sundry citizens of Brooklyn, N. Y., relative to export of arms and ammunition; to the Committee on Foreign Affairs.

Also, memorial of National Liberal Immigration League, relative to suspension of head tax on immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Brooklyn Diocesan Branch of the American Federation of Catholic Societies and St. Vincent de Paul's Lyceum, all of New York, protesting against the use of the mails by the Menace; to the Committee on the Post Office and Post Roads.

By Mr. DRUKKER: Petition of citizens of New Jersey, favoring House joint resolution 377, relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Petition of T. C. Beckwith, Providence, R. I., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Netti E. Bauer, of Providence, R. I., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. LONERGAN: Protests of the Hartford Business Men's Association, Hartford, Conn.; the New Departure Manufacturing Co., Bristol, Conn.; the Hartford Special Machinery Co., Hartford, Conn.; and Mr. Forrest Morgan, Hartford, Conn., relative to export trade; to the Committee on Interstate and Foreign Commerce.

Also, protest of F. C. Monier, jr., of New Britain, Conn., relative to the exportation of firearms and ammunition; to the Committee on Foreign Affairs.

By Mr. McKELLAR: Papers to accompany bill granting relief to the owners of the steamboat *W. B. Savory*; to the Committee on War Claims.

Also, papers to accompany a bill for relief of the estate of Jacob Joyner, deceased; to the Committee on War Claims.

Also, papers to accompany bill for increase of pension to L. M. Jarvis; to the Committee on Invalid Pensions.

By Mr. MAHAN: Memorial of Hartford (Conn.) Business Men's Association, protesting against the passage of any legislation that will interfere with the exportation of the products of the United States to any country; to the Committee on Foreign Affairs.

By Mr. RAKER: Petition of C. F. Kesting, J. C. Schmeds, B. H. Sanger, and H. Juse, of Los Molinos, Cal., favoring House joint resolution 377; to the Committee on Foreign Affairs.

Also, petition of Pilot Hill (Cal.) Local Socialist Lodge, favoring prohibition of exportation of foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Luis Obispo (Cal.) Chamber of Commerce, favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of Fred Miller, Redding, Cal., favoring repeal of that section of Constitution of the United States which reads: "The Congress shall have power to borrow money on the credit of the United States"; to the Committee on the Judiciary.

By Mr. REED: Petition of 252 merchants of the first New Hampshire congressional district, favoring the passage of H. R. 5308; to the Committee on Ways and Means.

By Mr. REILLY of Connecticut: Memorial of Hebrews of Meriden, Conn., relative to literacy test in the Smith immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Hartford (Conn.) Business Men's Association, protesting against law prohibiting exportation of the products of the United States to any other country; to the Committee on Foreign Affairs.

SENATE.

MONDAY, January 4, 1915.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance and blessing as we start upon the uncharted paths of a new year. We recognize Thy goodness to us in all the providences that have surrounded us in the year that has gone, and we seek Thy favor that we may follow the light that shines upon the path of the just more and more unto the perfect day. We praise Thee for peace within all our boundaries, and for the high spirit of brotherhood that animates those who are the leaders of the people. We pray that Thy grace may be upon Thy servants in this Senate, that they may have the spirit of Christian statesmen, and that they may be witnesses for God for peace unto the uttermost parts of the earth. Hear us in our prayer; accept the praises of Thy people for Thy goodness; and guide us on in the fulfillment of Thine own divine plan for us as a Nation. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, December 29, 1914.

Mr. SWANSON. I ask that the further reading of the Journal may be dispensed with.

Mr. SMOOT. I should like to hear it read this morning.

The PRESIDENT pro tempore. Does the Senator from Utah object?

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects, and the Secretary will read the Journal.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

CREDENTIALS.

Mr. POINDEXTER presented the credentials of WESLEY L. JONES, chosen by the electors of the State of Washington a Senator from that State for the term beginning March 4, 1915, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. KENYON presented petitions of sundry citizens of Fort Dodge, Schleswig, and Dubuque, all in the State of Iowa, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. THOMPSON presented a petition of sundry citizens of Pleasant Valley, Kans., and a petition of the members of the ladies' classes of the Methodist Sunday School of Lúray, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD. I have received a number of communications from citizens of the State of North Dakota urging the passage of legislation at the present session of Congress prohibiting the sale of munitions of war to the belligerent nations of Europe. I ask that the communications may be received and referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRONNA. Mr. President, in connection with what the Senator from South Dakota [Mr. CRAWFORD] has just said, I wish to state that I have also received hundreds of individual letters and many petitions on the same subject, in reference to Senate 6688, the bill introduced by the senior Senator from Nebraska [Mr. HITCHCOCK]. I do not feel like presenting all the letters and having them printed in the RECORD, but I simply call the attention of the Committee on Foreign Relations and of the Senate to the fact that I have received several hundred letters